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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

OF THE

Legislative Assembly of Wisconsin;

BEING THE SECOND SESSION

BEGUN AND HELD AT BURLINGTON, ON THE SIXTH DAY OF NOVEMBER,
ONE THOUSAND EIGHT HUNDRED AND THIRTY-SEVEN.

CHARLES C. SHOLES, GREEN BAY, W. T.

1837.

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

Legislative Assembly of Wisconsin Territory;

BEGUN and held at Burlington, in the county of Des Moines, on Monday, the sixth day of November, in the year of our Lord, one thousand eight hundred and thirty-seven, pursuant to an act of the Congress of the United States, approved 20th April, 1836, entitled, "An act establishing the Territorial Government of Wisconsin."

On which day, being that fixed by an act of the Legislative Assembly of the territory of Wisconsin, approved Dec. 8, 1836, for the annual meeting of the Legislative Assembly, the following named members appeared and took their seats, viz:—Messrs. Childs, M^r Williams, Sheldon, Boyles, Smith, M^r Knight, Shanley, Cox, Engle, Leffler, Blair, Box, Teas, Chance, Jenkins, and Reynolds.

On motion of Mr. Engle,

Mr. SHELDON, of Milwaukee, was called to the chair; and

On motion of Mr. Leffler,

C. S. JACOBS was appointed Secretary, pro tem.

On motion of Mr. Teas,

WILLIAM MORGAN was appointed Sergeant-at-arms, pro tem.

On motion of Mr. Engle,

JOSEPH T. FALES was appointed Doorkeeper, pro tem.

On motion of Mr. Cox,

JOSEPH PAYNE was appointed Messenger, pro tem.

On motion of Mr. M^cWilliams,

Ira B. Bronson, elected to supply a vacancy in Crawford county, having been sworn into office by the Governor, was admitted to take his seat as a member of the House.

On motion of Mr. Engle,

A. W. M^cGregor, elected to supply a vacancy occasioned by the death of H. T. Camp, of Dubuque county, was admitted to his seat, and the oath of office was duly administered to him.

On motion of Mr. Leffler, the following resolution was adopted, nem. con.:

Resolved, That the use of this house be tendered to the Territorial Convention, which meets this day, for their use at all such times as may not interfere with the business of the House.

On motion,

Messrs. Teas and Childs were appointed a committee to inform the Council that the House is now temporarily organized, and ready to proceed to such business as might be deemed necessary. The committee reported that they had discharged the duty assigned them, and that the Council had organized temporarily and adjourned.

On motion of Mr. Childs,

The House adjourned until to-morrow at 10 o'clock, A. M.

Tuesday, November, 7, 1837.

The House met pursuant to adjournment. The roll was called, and a quorum of members being present, the journal of yesterday was read.

On motion of Mr. Leffler, it was

Resolved, That a committee of two be appointed, in conjunction with a similar committee to be appointed by the Council, to wait upon his Excellency, the Governor of the Territory, to inform him that the members of the two houses of the Legislative Assembly are now convened and in organization, pro tempore, and ready to receive any communication that he may see fit to make to them.

Whereupon, Messrs. Leffler and Engle were appointed by the Chair.

On motion of Mr. Teas,

Resolved, That a committee of three be appointed to draft rules for the government of the House, and that said committee report as early as may be convenient: Whereupon, Messrs. Teas, Engle, and Childs, were appointed said committee.

On motion of Mr. Engle, it was

Resolved, That the standing rules of the House, of last session, be adopted, until others are prepared and adopted.

Mr. Engle then arose, and announced in the following terms, the death of his late colleague, H. T. Camp:

I rise, Mr. Speaker, to announce to the House the decease of my colleague, Col. CAMP, late a member of this body, from the county of Dubuque, who died since the adjournment of the Legislative Assembly. In announcing this melancholy event to the House, I would be doing injustice to my own feelings, if I did not embrace the opportunity of offering a few words upon the life and character of my deceased friend and colleague. These few words, a voluntary tribute from one who esteemed him while living, and regrets his untimely death as a public loss, cannot now reach the ears or understanding of him who now

lies mouldering in the grave, yet they may serve the purpose of awakening some serious reflections in the minds of those who are now flushed with the confidence of robust health, and of bringing to the recollection of the friends of the deceased, now present, some of the prominent traits of his life and character. At the close of the late session, he parted from his fellow members, most of whom are now here, in the full possession of health, vigour, and activity. In returning to his home from the town of Dubuque, after night, in the month of February last, his horse fell, threw him, and put a period to his existence. Col. CAMP died in the full vigor of manhood, leaving a widow and a large family of children. He was one of the earliest and most enterprising of the pioneers, who established themselves on the western banks of the Upper Mississippi, and he was always prompt and efficient in the discharge of the duties of a good citizen. In defending our frontier from the incursions of a savage foe in the war of 1832, he bore a highly honourable and useful part; he acted as a captain of a company of mounted riflemen under General Dodge, at the battle of *Wisconsin Heights*, and received the warmest encomiums of his commanding officer, for his determined bravery evinced on that occasion. Col. CAMP was a native of Georgia, lived many years in the state of Illinois, and established himself at Dubuque's Mines before the Indians had left the country, and before a hut could be seen where the thriving and populous town of Dubuque now stands. As a citizen, Col. CAMP was public-spirited, liberal and enterprising; as a soldier, he was brave and honourable; and as a legislator, he was honest and intelligent. His death was deeply deplored by the community amongst whom he had made his home, and this house lost the services of a useful member.

I therefore move, that as a token of respect to the memory of Col. H. T. CAMP, deceased, late a member of this House from the county of Dubuque, the members wear, as a badge of mourning, crape on the left arm for thirty days.

The resolution was adopted.

On motion of Mr. Childs, it was

Ordered, That the remarks of Mr. Engle announcing the

Nov. 7.

HOUSE OF REPRESENTATIVES.

death of his colleague, Col. Camp, be entered on the journals of the House.

On motion of Mr. Teas,

Resolved, That each member of the House be at liberty to order for his use, at the expense of the territory, any number of copies, not exceeding twenty, each week during the session, of any paper published in the territory.

On motion of Mr. Cox,

John W. Teas was appointed Messenger pro tem., to supply the vacancy occasioned by the resignation of Mr. Payne.

Messrs. Arndt and Teas, of the Council, were announced, and communicated to the House that the Council are now organized and prepared to proceed to business.

Mr. Arndt, of the Council, was again announced, who reported that Messrs. Smith and Terry were appointed by that body a committee to unite with the committee of this House, to wait upon the Governor, and inform him that both Houses of the Legislative Assembly are now organized, and ready to receive any communication which he may have to make to them.

The committee appointed in conjunction with the committee of the Council, to wait upon the Governor, reported that they had discharged that duty, and that the Governor would communicate with them in person, at 12 o'clock, A. M.

On motion of Mr. Engle, it was

Ordered, That seats be provided within the bar of the House, for the members of the Council, when the Executive shall meet the Legislature.

On motion of Mr. Teas,

Resolved, That the United States officers of the Territory be invited to take seats within the bar of the House at pleasure.

The hour of twelve o'clock having arrived, and the Council having met the House in the Representative Hall, his Excellency, the Governor, was introduced, and delivered the following message:—

Fellow Citizens of the Council,

and House of Representatives:

By a law of the last session of the Legislative Assembly we

are convened to legislate for the people of this Territory, under the organic law of Congress, creating the Territory of Wisconsin, and prescribing its form of government,

As the Representatives of the people, you will bring with you a knowledge of the wants and wishes of your constituents. I trust a spirit of harmony and good feeling will govern your deliberations, to enable you to proceed with that despatch necessary in all legislative bodies; and you will have my most cordial co-operation in support of all measures that have for their object the public good.

By the organic law of Congress, the laws of the late Territory of Michigan are in force until altered, modified, or repealed. There has been a great accession of population to this territory within the last four years, from every part of the United States: the state and condition of the people has been greatly changed, and the existing laws now in force (many of them) are not suited to the habits and wants of the citizens of this territory. I recommend for your consideration, at an early day of your session, the propriety of selecting three or more competent persons to report a code of laws to be submitted to the action of the Legislative Assembly during their present session.

Owing to the present embarrassed state of the currency in this territory, I recommend for the consideration of the Legislative Assembly, the passage of a law granting a stay of execution for one year on all judgments that may be obtained in the different courts of record. The enactment of a law to that effect would prevent the ruin of many whose property will be liable to sale at great loss. Debts have been created when bank notes of different banks were in general circulation in this territory, by many of the most industrious and enterprising citizens, who, no doubt, believed they would be able promptly to meet their engagements. A forced sale of their property under the existing execution laws, would not only deprive the debtor of the means of support, but, in many cases, would prevent the creditor from recovering his debt.

At the last session of the Legislative Assembly, I called your attention to the propriety of memorializing Congress, asking the

extension of the right of pre-emption to the actual settlers located on the public lands in this Territory. I again recommend your early action on that important subject. This meritorious class of our citizens, who are occupants of the public lands, have emigrated to this Territory, under the belief that the same privileges would be granted to them that had been extended to others. The settlers on the public lands are the pioneers of the West, who are rapidly extending the settlements of this Territory; they are alike distinguished for their industry, enterprise, and attachment to the republican institutions of this country; and every consideration of justice and humanity calls upon the Congress of the United States to extend to the citizens of this territory, who are occupants of the public lands, their fostering protection. The lot of the settlers on the public lands has been one of hardship, privation, and toil, exposed alike to the dangers of savage warfare, and the diseases incident to the settlement of a new country. The early settlers have built towns, now the seats of civilization and refinement, where Indian wigwams stood smoking four years ago. The early settlers on the public lands in this Territory have explored and opened the most valuable lead mines that have been discovered in the United States, thereby greatly enhancing in value the national domain; by the sale of which large sums have been paid to the government. Land was the immediate gift of God to man, and from the earliest history of the world was designed for cultivation and improvement, and should cease to be an object of speculation. Speculators in the public lands have purchased large tracts east of the Mississippi in this Territory, which remain waste until they will sell for the highest prices; thereby retarding the growth and settlement of the Territory to the great injury of the actual settler. The just and proper policy of the government would be to reduce the price of the public lands, and sell them to the actual settler alone. The public domain would be sold in a short period of time; Indian wars would cease to exist; the frontiers would be settled by a brave and hardy race of men, who would be a barrier to Indian encroachments, and there would be no necessity of main-

taining military posts for the protection of our frontiers. Should the Congress of the United States make no provision for the occupants of the public lands, and they should be deprived of their homes; either by the act of the government, or by speculators who might purchase them at a public sale, it will produce a state of things greatly to be regretted. The people of this Territory in the occupancy of the public lands, although firmly devoted to the republican institutions of the country, (and a large majority of them have the most entire confidence in the wisdom and policy of the present administration of the General Government,) will never submit to be driven from their homes by the iron grasp of the land speculator. Congress having for many years granted the right of pre-emption to the actual settler of the public lands, and that policy of the Government having continued to exist during the settlement of the Western States, should not now be changed.

I deem it my duty to call the attention of the Legislative assembly to the propriety of memorializing Congress, asking the extension of the right of pre-emption to all miners who have obtained the possession of mineral grounds, or lots under the authority of the Superintendent of the United States lead mines in this Territory, either by discovery or purchase; and that each miner should be permitted to purchase his mineral lot at the minimum price of the public lands.

I recommend to the Legislative Assembly the propriety of again memorializing Congress, asking them to increase the appropriation to the sum of two hundred thousand dollars for the removal of obstructions at the upper and lower rapids on the Upper Mississippi. It is understood the examinations of the obstructions at these rapids had been recently made under the direction of the War Department; and, from the favourable report made by the Government, it was expected preparations would have been made to have commenced this important work at the low stage of the river this season. The appropriations, heretofore made by Congress, have been entirely too small, considering the importance of the work. The trade of the Upper Mississippi has increased greatly in importance within the last

three years, and from the best estimate that can be made at this time, exceeds in amount three millions of dollars annually; the whole of which passes these rapids. The delay in lightening steam-boats to enable them to pass the rapids at a low stage of the river, and the loss of property on them, is believed to be equal to ten per cent. on the whole amount shipped. It is not alone the citizens of this Territory who are interested in the completion of this important work: the people of the state of Illinois, residing on the borders of the Upper Mississippi, are equally interested. This interest pervades the whole country on the Mississippi from St. Peters to the Gulf of Mexico. Large appropriations have heretofore been made by Congress for the removal of obstructions in the navigation of the different rivers in the Western States, and surely the citizens of this Territory have equal claims on the justice and patronage of the Government.

By an act of the Congress of the United States, approved March 3d, 1837, the sum of five thousand dollars, each, was appropriated for the erection of light-houses at the mouths of each of the following rivers, tributaries of Lake Michigan: Milwaukee, Manitoowoc, Cheboygan, and Root river, and at the entrance of Fox River into Green Bay. Under the provisions of the act of Congress, referred to, it is made the duty of the Navy Commissioners to report to the Secretary of the Treasury, after they have caused an examination to be made for the purpose of ascertaining whether the safety of navigation requires any additional facilities, and what is most suitable for each place designated. Should the Board of Navy Commissioners be of the opinion that the improvements are not required to facilitate the navigation of Lake Michigan, or that it is inexpedient, from any other cause, their opinion with the facts are to be reported to Congress: Engineers have heretofore been appointed under the direction of the war department, who have made surveys at the mouths of the rivers mentioned, for harbours, and these reports will show the practicability of their improvement, and their importance and utility to the public. It is a fact well known, that nearly the whole length of Lake

Michigan (the western shore of the lake) presents a bold bluff front, varying from fifty to one hundred feet in height, rendering it extremely dangerous in storms, owing to the scarcity of bays and natural harbours for the safety of vessels. Extensive settlements are forming on the borders of Lake Michigan; the shipping interest on the Lake has greatly increased within the last two years; and the consequent wreck of vessels and loss of lives and property may be expected, until the construction of harbours and the erection of light-houses at the mouths of the rivers mentioned. With the exception of the entrance of Fox River into Green Bay, this bay is the best natural harbour on the western borders of Lake Michigan. The construction of a pier, and the establishment of a beacon light, at Long Tail Point (at the head of the bay) as well as the erection of buoys to mark the ship channel, are deemed to be of the first importance to the safety of the navigation. From the increased commercial importance of the town of Milwaukee, and its location near the centre of the western shore of Lake Michigan, at the mouth of Milwaukee river, where nature has done much towards making a safe harbour, it would seem that a just regard for the rights of the citizens of this Territory, residing on the borders of Lake Michigan, would urge the Congress of the United States, as an act of justice, to make a liberal appropriation for the construction of a harbour at this important point, which is absolutely necessary for the protection of the lives and the security of the property of our citizens engaged in the Lake trade. Large appropriations were made at the last session of Congress, for the benefit of twenty of the states of this Union, for the building of light houses, light boats, beacon lights and buoys, and the sum of sixty-one thousand dollars was appropriated for the same purposes for the territory of Florida, and the small amount of twenty-five thousand dollars alone appropriated for this territory, for the above purpose; and that appropriation made contingent upon the report of the Navy Commissioners to the Secretary of the Treasury, and from him to the Congress of the United States. I recommend to the Legislative Assembly the propriety of again addressing a memorial to

Congress, asking an increased appropriation for the construction of harbours, and the erection of light-houses at the mouths of the different rivers designated in the act of Congress referred to, as well as the necessary improvement in the navigation of Green Bay.

A survey has recently been ordered by the War Department, of Fox and Rock rivers. The report of the Engineers charged with that duty has not been published; but, from the best information I have been able to obtain, their report will be favourable to the improvement of both those rivers. The improvement of the navigation of the Fox river, and the connexion of that river with the Wisconsin river, by a short canal of one and one-fourth miles, are subjects of vital importance to the citizens of this Territory, by opening a water communication between the Mississippi and Lake Michigan. A communication between the Rock river and the Four Lakes, and from thence to the Wisconsin river, by a canal of sixteen miles in length, is considered practicable with but little expense. Steam boats have navigated the Wisconsin river during this season to the portage of the Wisconsin and Fox rivers, without obstruction.

The organizing and arming the militia I consider a subject of the first importance to the safety of the frontier citizens of this Territory. The militia of the territory have been formed into two brigades, composed of five regimental districts and one battalion district. Elections have been held for the field and company officers, and all the districts, with the exception of one regimental district, have been organized. Five companies of volunteer mounted riflemen, and one of dragoons, have been formed and officered. I earnestly recommend to the Legislative Assembly the propriety of addressing a memorial to the War Department of the Government, asking a supply of arms for the use of the volunteer companies now organized, and for the militia of the territory. I would suggest the propriety of asking for four thousand stand of arms, one-half rifles, and the remainder muskets; and, in addition, I would propose that two hundred pistols and swords should be furnished for the use of

volunteer companies of dragoons, with the addition of four light brass field pieces, not to exceed three hundred pounds in weight (three pounders) on carriages, with fixed ammunition for a campaign of four months. The Indians on the frontier of this territory are now in a state of peace, but such is the restless disposition of all Indians, that it is difficult to determine when they will commence their attacks on our frontier inhabitants. This is the proper time to make the necessary preparations to preserve the peace that now exists with them. From the great extent of the frontiers of this territory, and the numerous Indians located on our borders, it is important to the safety of the inhabitants, that protection should be afforded them by the Government, which can only be done by having a mounted force stationed at some suitable point on the Upper Mississippi, in advance of our most exposed settlements. Two hundred mounted troops, under the command of a field officer, would be sufficient to range the country from the Mississippi to the Red Cedar, Iowa, and Des Moines rivers. This movement of troops would be a direct check on the Indians who might be engaged in war with each other. Mounted troops ranging the country east of the Mississippi and south of the Wisconsin river to Fort Winnebago, would prevent the frequent incursions of the Indians upon the weak and unprotected settlements bordering on that frontier. I recommend, therefore, that a memorial be addressed to the War Department, requesting to have a mounted force posted in advance of the frontier settlements as early in the next spring season as the grass will sustain the horses. The Indians on the borders of the frontier settlements must see and feel, if necessary, the power of the government to enforce a strict observance of treaties between them; and the presence of mounted troops will produce that dread in the minds of the Indians, which is necessary for the growth and prosperity of the territory, as well as the safety and security of its inhabitants.

The adjustment of the boundary line between the state of Missouri and this territory, has recently become a subject of much interest to the citizens residing in the southern part of Wiscon-

sin. By the act of Congress of 1820, the limits of the state of Missouri were defined; and it was well understood by the members of the convention who formed the constitution of that state, "that the rapids of the river Des Moines," were the rapids on the Mississippi, near the mouth of that river, known in 1820 as the *Des Moines river rapids*, or *the rapids of the river Des Moines*; and the upper rapids on the Mississippi were known by the name of the *Rock river rapids*. It cannot be possible that the act of Congress above alluded to, defining the northern boundary of the state of Missouri, intended to make the starting point for that boundary at any rapids in the river Des Moines; because it is a fact well known, that there are rapids and swift running waters on the Des Moines river, for more than one hundred miles above its mouth; because in 1820 there was, it is believed, no place on the Des Moines river, known or designated as *the rapids of the river Des Moines*; and, because it was the general understanding in Congress, among the members of the convention framing the constitution of the state of Missouri, and among all who were acquainted at that period with the names and localities of this country, that *the rapids of the river Des Moines* meant the rapids in the Mississippi, terminating near the mouth of the river Des Moines. That this was the understanding even in 1824, is shown by the treaty made on the fourth of August of that year, with the Sac and Fox tribes of Indians. In that treaty the north-western corner of the state of Missouri was fixed at one hundred miles due north of the mouth of the Kansas river; and a purchase of all the lands which the "Sac and Fox tribes have or claim within the limits of the state of Missouri," between the Mississippi and Missouri rivers, was limited on the north by a line drawn due east from that north-western corner to the Mississippi river, reserving, however, the "*small tract of land*" between the river Des Moines and Mississippi, and the section of that line between those rivers for the use of the half-breeds belonging to those nations. If it could have been imagined at the time of the ratification of that treaty by the Senate of the United States, that the northern boundary of Missouri was not fixed and known as then designated and laid

down, but was to be hereafter determined by explorers and surveyors sent to search for rapids on the river Des Moines as far north on that river as they might be found, it is hardly probable that the Senators in Congress, from Missouri, at that time, known to have been vigilant in the discharge of their duties to their constituents, could have silently acquiesced in the ratification of this treaty in its present shape. From the express wording of the act of Congress designating the boundaries of the state of Missouri, that state can have no pretensions to claim any part of the tract of country lying east or north-east of the Des Moines river. It is altogether a subject of great interest to the citizens of our territory residing near the boundary line in question, and it would seem to me necessary, that commissioners on the part of the general government should be appointed to act with commissioners on the part of Missouri to define as early as possible the true boundary line between this territory and the state of Missouri. It would certainly be an unpleasant state of things for the constituted authorities of this territory to come into collision with those of the state of Missouri: so far, however, as it rests with me, no encroachments on the rights of our citizens will be permitted, without resistance. I recommend the early action of the Legislative Assembly on this important subject; they will have the hearty co-operation of our able and faithful delegate in Congress, who, I am confident, will use every exertion in his power to maintain the rights of our citizens.

By the fourth section of the organic law of the Territory, it is made the duty of the Legislative Assembly to apportion the representation of the several counties to the Council and House of Representatives, according to population. As the term for which the members of the House of Representatives have been elected, will expire before the next annual meeting, the action of the Legislative Assembly will be necessary on that subject during their present session.

I would respectfully call the attention of the Legislative Assembly to the propriety of passing a law for the levying and collecting a county tax for the purpose of erecting jails in each of the organized counties in this territory, (where jails may be

required,) for the safe-keeping of prisoners, who may be committed to the sheriffs of the several counties. The due administration of the laws requires that courts of justice should have it in their power to restrain the vicious part of the community who set laws at defiance.

HENRY DODGE.

On motion of Mr. Childs,

Ordered, That fifteen hundred copies of the Governor's Message be printed for the use of the House.

On motion of Mr. Teas,

James Clarke & Co. were unanimously elected Printers to the House.

On motion of Mr. Childs,

The House adjourned till 10 o'clock A. M. to-morrow.

Wednesday, November 8, 1837.

The House met pursuant to adjournment.

On motion of Mr. Childs,

Ordered, That the House proceed to the election of Speaker.

On motion of Mr. Teas,

The Chair appointed two tellers to canvass the votes; viz: Messrs. Teas and McWilliams.

On motion of Mr. Durkee,

Ordered, That the House vote by ballot.

The votes were then taken and counted, and it appeared that

Mr. Engle had received eleven votes; and that

Mr. Leffler had received eleven votes.

There being no election.

On motion of Mr. Smith,

The House proceeded to a second ballot.

The votes having been taken and counted, it was found that

Mr. Engle had received eleven votes;

Mr. Leffler had received eleven votes; and that

Mr. Cox had received one vote.

Neither of the candidates voted for, having received a majority of the whole number of votes,

On motion of Mr. Cox,

The election of Speaker was postponed till ten o'clock to-morrow.

The Secretary of the Council, being introduced, presented to the Chair the following resolution of the Council, which,

On motion of Mr. Engle, was concurred in, and the chair appointed upon the part of the House, Messrs. Durkee and McGregor:

“Resolved, That, if the House of Representatives concur, a joint committee, to consist of two members of the Council, and two members of the House of Representatives, be appointed, with instructions to revise the joint rules of both Houses, and report on to-morrow.

“Messrs. Dickinson and Sweet were appointed the committee on the part of the Council.”

Ordered that the Council be informed.

On motion of Mr. Parkinson, the House adjourned until 10 o'clock, A. M. to-morrow.

Thursday, November 9, 1837.

The House met pursuant to adjournment.

The Speaker stated that he had received a communication from Mr. James Clarke, Librarian of the Territory, which,

On motion of Mr. Teas, was laid on the table.

Mr. Teas, from the committee to whom was referred the resolution to revise the rules for the government of this House, reported the following, which were read, and,

On motion of Mr. Engle, were adopted, and fifty copies ordered to be printed.

REGULATIONS

FOR THE DAILY TRANSACTION OF BUSINESS.

1st.—Petitions, Memorials, Remonstrances, and accompanying documents may be presented and referred.

2d.—Original resolutions may be offered.

3d.—Reports of Committees, Standing Committees having precedence to Select Committees.

4th.*—No more than one hour in each day, shall be devoted to the foregoing objects, after which the Speaker shall dispose of the bills, messages and communications on his table, and then proceed to the orders of the day.

5th.—Bills and Resolutions ready for a second reading.

6th.—Bills on their passage.

7th.—Bills or other matter before the House and unfinished the preceding day.

8th.—These matters being despatched for expediting business, the general file of bills and other papers are then taken up, agreeably to their first introduction to the House.

STANDING RULES.

I. The House of Representatives shall choose by ballot one of their own number to occupy the Chair. He shall be styled Speaker of the House of Representatives. He shall hold his office during one session of the Legislative Assembly. He shall take the Chair at the hour to which the House is adjourned, and call the members to order; and, if a quorum be present, he shall direct the minutes of the preceding day to be read, and mistakes, if any, corrected. He shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the House. In committee of the whole he shall call some member to the Chair, and may debate any question before the Committee; but such substitution shall not extend be-

yond an adjournment. He shall, unless otherwise directed by the House, appoint all committees. He shall vote on a call of the yeas and nays. In the absence of the Speaker, the House shall appoint a Speaker, *pro tem*.

II. Any member may have a call of the House, and have absent members sent for in case a quorum should not be present.

III. All questions shall be put in this form: "You who are of the opinion (as the case may be) say, Aye. Those of the contrary opinion say, No;" and in doubtful cases any member may call for a division.

IV. When a motion is made and seconded it shall be stated by the member, or read by the Clerk previous to debate. If any member require it, all motions (except to adjourn, postpone or commit,) shall be reduced to writing. Any motion may be withdrawn by consent of the House, before decision or amendment.

V. Every member present, when a question is put, shall vote, unless the House shall, for special cause, excuse him.

VI. A motion to adjourn shall always be in order, and be decided without debate.

VII. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate and avoid personality.

VIII. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

IX. Whilst the Speaker is putting any question, or addressing the House, none shall walk out of or across the House, nor in such case, or when a member is speaking, shall pass between him and the chair.

X. No member shall speak more than twice on any question without leave of the House.

XI. When a question is under debate, no motion shall be received, unless to postpone, to amend, to take the previous question, to commit, or to adjourn.

XII. The previous question shall be put in these words: "Shall the main question be now put?" and it shall be admitted on the demand of any member, and until decided shall preclude all amendments under debate, of the main question.

XIII. Any member may call for a division of the question, when the same will admit thereof.

XIV. No committee shall absent themselves by reason of their appointment, during the sitting of the House, without special leave.

XV. Every bill shall be introduced by motion for leave, or by order of the House on the report of a committee. In cases of a general nature, one day's notice at least shall be given, of the motion to bring in a bill.

XVI. Every bill shall receive three several readings previous to its passage; but no bill shall have its second and third reading on the same day, without special order of the House.

XVII. The first reading of a bill shall be for information, and if objections be made to it, the question shall be, "Shall the bill be rejected? If no objection be made, or the question to reject be lost, the bill shall go to its second reading without further question.

XVIII. All bills, on a second reading, shall be considered by the House in committee of the Whole, before it shall be taken up and considered by the House. The final question upon every bill or resolution that requires three readings, previous to being passed, shall be, "Whether it shall be engrossed and read a third time?" No bill or resolution that requires three readings shall be committed or amended until it shall have been twice read.

XIX. Amendments, made in committee of the Whole, shall not be read by the Speaker on his resuming the chair, unless requested by one or more of the members.

XX. When a question is lost on engrossing a bill for a third reading, on a particular day, it shall not preclude a question to engross it for a third reading on a different day; nor shall any subject be a second time re-considered without the consent of the House. On the third reading of a bill or resolution, no

amendment (except to fill blanks) shall be received, except by unanimous consent of the members present.

XXI. When a bill is engrossed, the Speaker shall, at the time previously appointed by the House, announce it as ready for a third reading without a question.

XXII. A bill or resolution may be committed at any time previous to its passage; if any amendment be reported upon such commitment, by any other than a committee of the whole, the bill shall again be read a second time and considered as in committee of the whole, and the question for its engrossment and third reading again put.

XXIII. In filling blanks, the largest sum and longest time shall be first put.

XXIV. When the House is equally divided, in such case the question shall be lost.

XXV. When a motion or question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the re-consideration thereof, on the same or succeeding day.

XXVI. All acts, addresses, and resolutions shall be signed by the Speaker, and all writs, warrants, and subpoenas, issued by order of the House, shall be under his hand and seal, attested by the clerk.

XXVII. Petitions, memorials, and other papers, addressed to the House, shall be presented by any member in his place: a brief statement of the contents thereof shall be made verbally by the member introducing the same, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise; but shall lie on the table (to be taken up in the order they were read) or referred, on motion, to a committee.

XXVIII. After a bill shall have passed the House, and before it shall be sent to the Council, it shall be duly enrolled; after which it shall be examined by a standing committee for that purpose, who shall carefully compare the enrolment with the engrossed bill, and correcting any errors that may be dis-

covered in the enrolled bill, shall make their report forthwith to the House.

XXIX. After examination and report, each bill shall be certified by the clerk, and by him transmitted to the Council: the day of transmission shall be entered on the journal.

XXX. A chief clerk, an assisting clerk, and three transcribing clerks shall be appointed by ballot, to hold their places during the pleasure of the House. They shall take an oath for the true and faithful discharge of their respective duties in office. The chief clerk, with the aid of his assistant, shall keep a correct journal of the daily proceedings; shall keep a calendar of the order of business, and perform other duties appertaining to his office under the direction of the Speaker. He shall let no journal, records, accounts, or papers, be taken from the table or out of his custody, other than by the regular mode of business of the House; and if any papers in his charge shall be missing, he shall make report to the Speaker that it may be inquired into. The transcribing clerks shall record the journal of proceedings, engross, enrol, transcribe, and copy bills and resolutions, and generally perform the duties of transcribing clerks, under the direction of the clerk of the House.

XXXI. A Sergeant-at-Arms, Doorkeeper, Assistant Doorkeeper, Messenger, and Assistant Messenger, shall be appointed by ballot, to hold their offices during the pleasure of the House, whose duty it shall be to attend the House during its sitting, and to execute the commands of the Speaker and the House. They shall take an oath truly and faithfully to discharge their respective duties in office.

XXXII. When a message shall be sent from the Governor to the House, it shall be communicated to the Chair, by the person by whom it may be sent.

XXXIII. No person shall be elected to any office created by these rules, unless he shall receive a majority of the whole number of votes given by the members of the House.

XXXIV. No member or officer of the House shall be permitted to read the newspapers within the bar of the House, while the House is in session.

XXXV. The Speaker of the House is authorized and required, to administer all oaths prescribed by these rules.

XXXVI. Every resolution read (by the Clerk) by direction of a member shall be considered to be before the House. And the question to adopt or reject, may be immediately put on such resolution, unless upon motion of a member, the same may be laid on the table.

XXXVII. It shall be competent for any member, when a question is taken, to call for the ayes and nays, which shall be recorded by the Clerk if required.

XXXVIII. No standing rule or order of the House shall be rescinded or changed, without one day's notice being given of the motion therefor. Nor shall any rule be suspended except by a vote of at least two-thirds of the members present. Nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two-thirds of the members present.

XXXIX. All bills brought into the House by any member or committee, shall be endorsed with the name of the member or committee, bringing in the same.

XL. When a member is called to order, he shall sit down until the Speaker shall have determined whether he is in order or not, and every question of order shall be decided by the Speaker, subject to an appeal to the House by any two members; and if a member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the Speaker and House may be better enabled to judge of the matter.

XLI. The Standing Committees of the House shall consist of five members each, and be as follows:

On the Judiciary.

On Schools.

On Internal Improvements.

On Militia.

On Finances of the Territory.

On Corporations.

On Claims.

On Enrolled Bills.

On Expenses.

On Agriculture and Manufactures.

XLII. The stated time of meeting for the transaction of business, shall be at ten o'clock, A. M.

On motion of Mr. Boyls,

Ordered, That a standing committee on Agriculture and Manufactures be appointed.

On motion of Mr. Childs,

The House proceeded to the election of Speaker. The ballots being taken and counted, it was found that

Mr. Engle had received ten votes;

Mr. Leffler had received eleven votes;

Mr. Parkinson received one vote; and

Mr. Quigley received one vote.

There being no election,

The House proceeded to a second ballot, and the votes being taken and counted, it appeared that

Mr. Engle received ten votes;

Mr. Leffler received eleven votes;

Mr. Parkinson received one vote;

Mr. Quigley received one vote.

Mr. Durkee moved that the election for Speaker be postponed till to-morrow.

The motion was disagreed to.

The following message was received from the Council:

“ IN COUNCIL, Nov. 8, 1837.

“ On motion of Mr. Dickinson,

“ Resolved, That a committee be appointed, to consist of two members of the Council, to act in conjunction with a similar committee, to be appointed by the House of Representatives, with instructions to draft rules for the proper regulation of the Territorial Library: and to report on to-morrow.

“ Messrs. Dickinson and Teas were appointed said committee.”

On motion of Mr. Engle, the resolution was laid on the table.

The house then proceeded to ballot a third time for Speaker. The votes being counted, it appeared that

Mr. Engle received ten votes;

Mr. Leffler received eleven votes;

Mr. Quigley received one vote;

Mr. Childs received one vote.

On motion of Mr. Quigley,

Ordered, That the election of Speaker be postponed, and that the House now proceed to the election of other officers.

The House then proceeded to the election of Chief Clerk.

Mr. Cox nominated Mr. John Catlin.

The votes being taken and counted,

Mr. Catlin received twenty-one votes, and was declared to be duly elected.

Mr. Catlin appeared, and was duly sworn.

Mr. Cox offered the following resolution:

Resolved, that the thanks of this House are due to Cyrus S. Jacobs, Esq., for the very able and satisfactory manner in which he has performed the duties of Chief Clerk, up to this time.

The resolution was unanimously adopted.

The House then proceeded to the election of assistant Clerk.

Mr. Childs nominated Tandy K. Brown. The votes being taken and counted,

Mr. Brown received twenty votes, and was declared to be elected. Thereupon Mr. Brown appeared, and was duly sworn.

Mr. Jenkins offered the following resolution:

Resolved, That in the nomination of the candidates for the different offices of this House, equal justice is not distributed, so far as the county of Des Moines is concerned, and that the nominations of officers from said county be set aside, and each candidate come before the House on his individual merit.

Mr. Quigley offered the following as a substitute, which was accepted by Mr. Jenkins.

Resolved, That the officers to be elected for the Council and House of Representatives of Wisconsin Territory, for the present session, have been justly apportioned among the different counties, but that the selections have not been made to meet the wishes of a majority of this House, Therefore

Resolved, That this House is not bound by said nomination. The question was taken on the adoption of the resolution, and decided in the negative.

On motion of Mr. Childs, the House went into the election of Sergeant-at-Arms.

Mr. Leffler nominated Mr. Wm. Morgan, and Gilbert W. Southwick.

Mr. Jenkins nominated H. C. Bennet, John W. Webber, and W. H. Wallace.

Mr. Box nominated Israel Robinson.

The votes being taken and counted, it was found that

William Morgan received sixteen votes;

Gilbert W. Southwick received two votes;

H. C. Bennet received two votes;

John W. Webber received two votes;

J. Wallace received one vote.

William Morgan was declared to be elected, and thereupon was duly sworn.

Mr. Quigley offered the following resolution:

Whereas, A resolution is now spread upon the records, which would implicate the conduct of members of this House; therefore

Resolved, That the House does not consider that it is bound by any caucus or arrangement entered into by any body or set of men, and will, in the selection of officers, be governed by principle, taking care to distribute the offices among the several counties, in proportion to their representation.

The resolution was not adopted.

On motion of Mr. Cox, the House proceeded to the election of Messenger.

Messrs. John Lorton, John W. Teas, John Lines, and John M. Garrigus, were nominated as candidates for that office.

The votes being taken and counted, it appeared that

Mr. Lorton received seven votes;

Mr. Teas received eleven votes;

Mr. Garrigus received two votes;

Mr. Lines received two votes;

Neither of the said candidates having received a majority of the whole number of votes,

The House proceeded to a second ballot.

The votes being taken and counted, it was found that

Mr. Lorton received nine votes;

Mr. Teas received eleven votes;

Mr. James Stephens received one vote;

Mr. John Norton received two votes.

No choice having been made, the House proceeded to ballot a third time.

The votes being taken and counted, it appeared that,

Mr. Lorton received twelve votes;

Mr. Teas received six votes;

Mr. Norton received two votes;

Mr. Stephens received one vote.

Mr. Lorton was declared to be duly elected Messenger.

On motion of Mr. Chance,

Resolved, That the Printers to this House be invited to take seats at pleasure within the bar of the House.

On motion of Mr. Nowlin,

The House adjourned to 3 o'clock, P. M.

3 O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. John Lorton, who had been elected Messenger, appeared and was duly sworn.

The House then proceeded to the election of Speaker,

The result of the fourth ballot was as follows:

Mr. Engle received ten votes;

Mr. Leffler received eleven votes;

Mr. Quigley received one vote;

Mr. Durkee received one vote.

On motion of Mr. Cox, the election of Speaker was postponed until Saturday at 11 o'clock, A. M.

On motion of Mr. Cox,

Ordered, That the House now proceed to elect three Transcribing Clerks, and that they be balloted for on the same ticket.

Messrs. A. H. Posey, William Sterling, Ed. Johnson, and Franklin Munger were nominated as candidates.

The votes having been taken and counted, it was found that

Mr. A. H. Posey had received twenty-one votes;

Mr. Wm. Sterling had received eighteen votes;

Mr. Ed. Johnson had received nineteen votes;

Mr. Franklin Munger had received two votes;

Mr. Sterne had received one vote;

Mr. Wm. Johnson had received one vote;

Mr. B. M. Sterling had received one vote.

Messrs. Posey, Sterling, and Johnson were declared to be duly elected, and were severally sworn.

On motion of Mr. Engle,

The House proceeded to elect an Assistant Messenger.

The votes for assistant messenger having been taken and counted, it appeared that

Mr. Milton M'Craney received twenty-one votes;

Mr. James Stevens received one vote.

Mr. M'Craney was declared to be elected, and was duly sworn.

On motion of Mr. Engle,

The House proceeded to the election of Door-keeper.

Mr. Box nominated Messrs. John Hodgins and Reuben Chance.

Mr. Teas nominated Messrs. Henry Moore, John W. Webber, and George Hepner.

The votes were taken and counted, and

Mr. Reuben Chance received twelve votes;

Mr. John W. Webber received four votes;

Mr. George Hepner received six votes.

Mr. Chance was declared to be elected, and was thereupon sworn.

The House then proceeded to elect an Assistant Door-keeper.

Mr. Nowlin nominated Mr. Joseph T. Fales.

The votes being taken and counted, it appeared that

Mr. Fales received twenty-three votes.

Mr. Fales was declared to be unanimously elected, and was duly sworn.

On motion of Mr. Childs,

Resolved, That the thanks of this House are due to John W. Teas, for the able and satisfactory manner in which he has discharged the duties of Messenger, pro tem.

On motion of Mr. Leffler,

The House adjourned.

Friday, November 10, 1837.

Mr. Charles C. Sholes presented a certificate of his election as a member of this House from the county of Brown, and was thereupon sworn and took his seat.

On motion of Mr. Engle,

Resolved, That a committee of two be appointed to act in conjunction with a similar committee, appointed by the Council, to draft rules for the regulation of the Territorial Library.

Messrs. Engle and Smith were appointed said committee.

On motion of Mr. Quigley,

The report of Mr. James Clarke, Librarian, was called up and read: it is as follows:

To the Council and House of Representatives of the Territory of Wisconsin:

GENTLEMEN: Conformably to law, I herewith transmit to your Honourable Bodies a statement of the condition of the Library of the Territory, purchased in pursuance of an appropriation to that effect by the Congress of the United States, in the law organizing the Territory of Wisconsin; and also of the receipts and disbursements since it came under my charge as Librarian.

The Library consists of about 1500 volumes, nearly two-thirds of which, as will be perceived by the catalogue which accompanies this report, are law. Upon its being put into my

hands, I immediately rented a room, and had the books put up in such a manner as their preservation and convenience demanded. No expenses, other than what was deemed necessary for these purposes, have been incurred. A statement of the receipts and expenditures up to this date, is herewith annexed. (*See Appendix, No. 1.*) It may be proper to add that a further expenditure will soon necessarily have to be incurred for stove, fuel, &c.

I have the honour to be, very respectfully,

Your obedient servant,

JAMES CLARKE, Librarian.

On motion of Mr. Durkee,

The report of the Librarian was laid on the table to be referred to a committee.

On motion of Mr. M'Williams,

The House re-considered the vote of yesterday, postponing the election of Speaker until Saturday, at 11 o'clock, A. M.

The House then proceeded to the election of Speaker.

The votes having been counted, it appeared that

Mr. Engle received ten votes;

Mr. Leffler received twelve votes;

Mr. Quigley received one vote.

Mr. Leffler was declared to be duly elected Speaker.

Messrs. Cox and Childs were appointed a committee to conduct the Speaker to the chair.

The Speaker, on being introduced, was conducted to the chair, and addressed the House in the words following:

GENTLEMEN—In entering upon the duties of the Chair, as your Speaker, I cannot avoid an expression of thanks for this testimonial of your confidence and regard. To be the Speaker of this House, gentlemen, is a matter of no ordinary character. Whether I shall discharge the trust reposed in me, according to your expectations, is yet to be tested. The only pledge I can give, is, that no exertion on my part shall be wanting to effect this desirable end.

We are a young and growing people. Our legislation is yet in embryo. We are about to lay the foundation of our government and laws, which will give character to our code, not only

at the present, but in time to come. Hence, gentlemen, it is important that we should proceed cautiously, deliberately, and harmoniously; avoiding, as much as possible, every thing that may irritate or wound the feelings of each other. A most important part of the Speaker's duty is to preserve order and decorum in the House. In doing this, I hope to have your aid and support. My experience in the chair is but limited. If I err, I hope for your indulgence. With these remarks I assume the duties of Speaker, and ask that you accept my thanks for your kindness.

On motion of Mr. Boyls,

The House adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

On motion of Mr. Jenkins,

Resolved, That the thanks of this House are due to Gen. Sheldon, for the very able and satisfactory manner in which he has performed the duties of Speaker, pro tempore, during its previous deliberations.

Mr. Parkinson offered the following resolution:

Resolved, That there be a committee of three appointed to procure rooms for the use of three transcribing clerks.

Mr. Quigley offered the following amendment: after the word clerks, insert the following words: "And the several committees to be appointed by this House." The amendment was accepted, and the resolution adopted.

The Speaker appointed Messrs. Parkinson, Quigley, and Blair, said committee.

Mr. Childs offered the following resolution:

Resolved, That Messrs. Jacobs & Clarke be requested to furnish each member of this House with a printed catalogue of books now in the territorial library.

On motion of Mr. Engle,

The resolution was amended so as to read,

"That Messrs. Jacob & Clarke be requested to furnish this House with two hundred copies of a printed catalogue of books, now in the Territorial library."

The resolution, as amended, was adopted.

Mr. Parkinson presented the memorial of John Loofborrow, John G. Hulet, and James M'Gee, praying to be allowed the right of working certain mineral lands, which was read, and,

On motion of Mr. Quigley,

The said memorial was laid on the table.

On motion of Mr. Nowlin,

Resolved, That the regular ministers of the gospel who are residents of Burlington, or who may visit this place during the present session, are hereby invited to hold worship on Sabbath days within the Representative Hall.

The Secretary of the Council, being introduced, delivered the following message:

"Mr. Speaker—I am directed to communicate to the House of Representatives, that the Council have adopted the rules for the government of the two Houses, reported by a committee of both Houses, and herewith present a copy of the same.

And when he withdrew.

Mr. Engle offered the following preamble and resolutions:

Whereas irregularities in the carrying of the mails to and from the town of Burlington, exist to such an extent as in a great measure to exclude the members of the Legislative Assembly from an opportunity of either sending or receiving letters, papers, or other documents, except as they may accidentally find a private conveyance;

And, whereas, it is understood that this evil is mainly caused by the failure on the part of the contractor who carries or has undertaken to carry the mail between this place and the town of Dubuque;

And, whereas, it is believed to be in the power of the Post Master at Burlington, consistent with the Post Office laws and regulations, to employ some trusty person to carry the mail between Burlington and Dubuque on the days when by the contract it ought to be carried, in case of a failure on the part of the contractor, at the expense of the General Post Office, to be deducted from the compensation of the said contractor; therefore,

Be it resolved by the Council and House of Representatives

of Wisconsin Territory, That the Post Master at Burlington be requested to employ some person to carry the mail, at the stated days, when by law it ought to be carried between the town of Burlington and Dubuque during the present session of the Legislative Assembly.

Resolved, That the Council and House of Representatives of this Territory do hereby undertake to secure the said Post Master from loss in so doing, and that if the Post Master General shall refuse to allow his reasonable account for employing suitable persons for this purpose, that the same be paid out of the money appropriated by Congress to defray the expenses of the Legislative Assembly.

Resolved, That a copy of this preamble and these resolutions be communicated to the Post Master General at Washington and the Post Master at Burlington.

The resolutions were then read a first, second, and third time, passed, and ordered to be sent to the Council for concurrence.

Mr. Quigley moved that a committee of three be appointed to take into consideration a bill defining the powers and duties of justices of the peace, being a part of the unfinished business of last session.

The Speaker appointed Messrs. Quigley, Teas, and Durkee said committee.

On motion of Mr. Durkee, the joint rules reported by the joint committee of the two Houses were read, and are as follows :

JOINT RULES AND ORDERS OF THE TWO HOUSES.

1st, In every case an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference and appoint a committee for that purpose, and the other House also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed upon by their chairman, meet in the conference chamber, and state to each other, verbally or in writing as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

2nd. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the door-keeper, and shall be respectfully communicated to the Chair, by the person by whom it may be sent.

3d. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

4th. Messages shall be sent by such person as a sense of propriety in each House may determine to be proper.

5th. After a bill shall have passed both Houses, it shall be duly enrolled by one of the Transcribing Clerks under the direction of the Chief Clerk of the House of Representatives or Secretary of the Council, as the bill may have originated in one or the other House, before it shall be presented to the Governor of the Territory.

6th. When bills are enrolled they shall be examined by a joint committee of two from the Council, and two from the House of Representatives, appointed for that purpose, who shall carefully compare the enrolment with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their reports forthwith to the respective Houses.

7th. After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the House of Representatives, then by the President of the Council.

8th. After a bill shall have been thus signed in each House, it shall be presented by the said committee to the Governor of the Territory for his approval, it being first endorsed on the back of the roll, certifying in which House the same originated; which endorsement shall be signed by the Chief Clerk of the House or the Secretary of the Council, as the bill may have originated in one or the other House, and shall be entered on the journal of each House; the said committee shall report the day of presentation to the Governor, which shall also be entered on the journal of each House.

9th. All orders, resolutions, and votes, which are to be presented to the Governor, for his approval, shall also, in the same manner, be previously enrolled, examined, and signed; and shall

be presented in the same manner, and by the same committee, as provided in cases of bills.

10th. When a bill or resolution, which shall have passed in one House, is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

11th. When a bill or resolution which has been passed in one House, is rejected in the other, it is not to be again brought in during the same session, without notice of five days, and leave of two-thirds of the House in which it shall be renewed.

12th. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

13th. After each House shall have adhered to their disagreement, a bill or resolution is lost.

14th. No bill that shall have passed one House shall be sent to the other for concurrence on the last day of the session.

15th. No bill or resolution that shall have passed the Council and House of Representatives, shall be presented to the Governor for his approval on the last day of the session.

On motion of Mr. Teas,

The following amendments were adopted: Strike out in the 5th rule the word "Secretary," and insert "Chief Clerk," and insert the word "Secretary," between the word "or" and the words "of the Council." Strike out in the 8th rule the word "Secretary," and insert "Chief Clerk." Strike out the words "in which the same did originate," and insert "or the Secretary of the Council, as the bill may have originated in the one or the other House."

On motion of Mr. Engle,

The joint rules reported by the joint committee of the two Houses, as amended by the House of Representatives, were adopted, and ordered that the Council be informed.

On motion of Mr. McWilliams,

The house ordered that fifty copies of the joint rules of the two Houses be printed.

The House adjourned.

Saturday, November 11, 1837.

The Speaker announced the appointment of the following standing committees:

On the Judiciary.—Messrs. Engle, Parkinson, Childs, M'Gregor, and Chance.

On Schools.—Messrs. Quigley, Teas, M'Williams, Boyls, and Cornwall.

On Internal Improvements.—Messrs. Durkee, Wheeler, Brunson, M'Knight, and Jenkins.

On the Militia.—Messrs. Sheldon, Shanley, Reynolds, Parkinson, and Box.

On Claims.—Messrs. Nowlin, Jenkins, Blair, Smith, and Chance.

On Enrolments.—Messrs. M'Williams, Brunson, Sholes, Smith, and Quigley.

On Finances.—Messrs. Childs, Reynolds, Durkee, Sholes, and Cox.

On Expenses.—Messrs. Cox, Box, Shanley, Smith, and Blair.

On Corporations.—Messrs. M'Knight, Cornwall, Nowlin, Teas, and Wheeler.

On Agriculture and Manufactures.—Messrs. Boyls, Wheeler, Cornwall, Sheldon, and Engle.

On motion of Mr. Jenkins, leave of absence was granted to Mr. Box, until Monday next.

On motion of Mr. Cox, leave of absence was granted to Mr. Shanley, until Monday.

On motion of Mr. M'Gregor,

Resolved, That the committee on schools be instructed to inquire into the expediency of establishing a common school system of education in this territory, and that they report by bill or otherwise.

A message was received from the Council by the Secretary, informing the House, that the amendments made by the House to the joint rules for the government of the two Houses, have been concurred in by the Council; and that the preamble and resolutions relative to the carrying of the mails between Burlington and Dubuque, have also been concurred in.

On motion of Mr. Engle,

The House resolved itself into a committee of the whole, for the purpose of taking into consideration the message of the Governor, Mr. Nowlin in the chair, and after some time spent in the consideration thereof, the committee rose, and the Speaker having resumed the chair, reported by their chairman the following, which were agreed to by the House:

Resolved, That so much of the Governor's message as relates to the appointment of a committee to report a code of laws and to the staying of execution upon all judgments, be referred to the committee on the Judiciary.

Resolved, That so much of the Governor's message as relates to the adjustment of the boundary line between the state of Missouri and the territory of Wisconsin, be referred to a select committee:

Messrs. Teas, Engle, Parkinson, Durkee, and M^cWilliams, were appointed said committee.

Resolved, That so much of the Governor's message as relates to the levying and collecting of a county tax for the purpose of erecting jails in the several counties, be referred to the committee on finance.

Resolved, That so much of the Governor's message as relates to the memorializing Congress, asking the extension of the right of pre-emption to actual settlers located on the public lands in this Territory, be referred to a select committee.

Messrs. M^cGregor, Blair, Quigley, Cox, and Boyls, were appointed said committee.

Resolved, That so much of the Governor's message as relates to the improvement of rivers, bays, harbours, &c. be referred to the committee on internal improvements.

Resolved, That so much of the Governor's message as relates to schools and school lands, be referred to the committee on schools.

Resolved, That so much of the Governor's message as refers to the Militia, and to the precautionary steps recommended in defence of the frontier, be referred to the committee on the militia.

Resolved, That so much of the Governor's message as refers

to the apportionment of members of the House of Representatives in the next Legislative Assembly, be referred to a select committee.

Messrs. McWilliams, Engle, Box, Childs, and Shanley, were appointed said committee.

Mr. Teas offered the following resolution:

Resolved, That a committee on roads and highways be appointed:

Which, by rule of the House, lies one day on the table.

Mr. Parkinson presented a petition of sundry inhabitants of the county of Iowa, praying that part of the county of Iowa may be attached to the county of Green.

Referred to a select committee.

Messrs. Parkinson, Boyls, McKnight, Shanley, and Smith were appointed said committee.

Mr. Parkinson presented a petition of sundry inhabitants of the county of Iowa, praying that a public road be laid out, leading from the White Oak Springs to the Blue Mounds.

Referred to a select committee.

Messrs. Parkinson, Cox, Shanley, Boyls, and Smith, were appointed said committee.

Mr. Childs presented the petition of Charles Chapman, praying for the passage of a law relative to the holding of inquests.

Referred to the judiciary committee.

Mr. Boyls presented petitions from sundry inhabitants of the county of Green, praying for the passage of a law to organize the said county.

Referred to a select committee.

Messrs. Parkinson, Boyls, McKnight, Shanley, and Smith, were appointed said committee.

The House adjourned.

Monday, November 13, 1837.

Mr. Quigley presented petitions from sundry inhabitants of the county of Dubuque, praying for the formation of a new county out of the present boundaries of the said county of Dubuque.

On motion of Mr. Quigley, it was referred to a committee to consist of the delegation from the county of Dubuque, viz: Messrs. Quigley, Engle, M'Gregor, Nowlin, and Wheeler.

Mr. M'Gregor presented a petition from sundry inhabitants of the counties of Dubuque and Musquette praying for the establishment of a new county.

Referred to the same select committee.

Mr. M'Williams presented a petition of sundry inhabitants of the towns of Astor and Navarino, praying for a special act to incorporate the said towns.

Referred to the committee on corporations.

Mr. Engle presented a petition, praying for an act to provide for changing the venue in the case of the United States against Isaac Hendershott.

Referred to the committee on the judiciary.

On motion of Mr. Childs, it was

Resolved, That the Chief Clerk furnish Messrs. James Clarke & Co. with the names of the standing committees of this House for the purpose of having each member provided with a printed list of the same.

Mr. Engle, from the committee appointed by the House to act in conjunction with a similar committee appointed by the Council to draft rules for the proper regulation of the territorial library, reported the following—

***RULES AND REGULATIONS OF THE WISCONSIN
LIBRARY.***

1st. The Librarian shall provide, in the town of Burlington, a proper room for the safe keeping of the books, papers, and do-

uments belonging or appertaining to the territorial library, and which shall be intrusted to his care. He shall keep a register in which he shall enter the name of every person to whom he shall deliver any book, papers, or documents; the time when the same was delivered, when returned, and the title of the work, and number of volumes delivered.

2d. The members of the Council and House of Representatives and their officers, the Governor of the Territory, the Judges of the Supreme Court, the Secretary of the Territory, the United States' Attorney of the Territory, the Attorney General of the Territory, the Marshal of the Territory, the Delegate in Congress from this Territory, ex-members of the Legislative Assembly, and the Clerk of the Supreme Court shall have free access to said Library during regular hours of the day.

3d. Strangers may be introduced to the Library by the Governor, Secretary of the Territory, Judges of the Supreme Court, or members of either branch of the Legislative Assembly.

4th. Any person having the privilege of the Library, may take therefrom any number of volumes not exceeding the number of five for his own use, and shall be accountable to the Librarian for the return of the same in good order.

5th. No person shall be allowed to keep in his possession any work belonging to said Library a longer period of time than three days, under a penalty of five dollars; and in case any volume shall be lost or damage done, shall be paid to the Librarian, who is hereby authorized to receive the same, and shall account therefor.

6th. The Library shall be open for the accommodation of all privileged persons, from the hours of nine to twelve A. M. and from two to ten P. M.: during the session of the Legislative Assembly, the time shall be regulated by the Librarian.

7th. The Librarian shall have authority to appoint, during the session of the Legislative Assembly, an assistant Librarian, who may perform the duties assigned to the Librarian, and for whose acts the Librarian shall be personally responsible.

8th. The Librarian shall, at the close of the session, report to the Council and House of Representatives, a true account of

all expenses incurred during the session, for rent of room; fuel, candles, and other incidental expenses, including the employment of an assistant, which shall be paid out of the moneys appropriated by Congress to defray the expenses of the Legislative Assembly.

The said rules and regulations were then adopted.

Ordered, that the Council be informed.

Mr. Parkinson, from the select committee, to procure rooms for the use of the several committees and clerks, reported, that the said committee had engaged of Mr. James Clarke the large room adjoining the Library for the use of the Clerks, and the Judiciary Committee, and that they had engaged another room for the use of the other committees, which will be in readiness to-morrow.

Mr. Quigley, from the select committee of the unfinished business of the last session, reported bill No. 1, entitled

“A bill to provide for the appointing of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings,” which was read the first time, and laid on the table.

On motion of Mr. Teas,

Resolved, that fifty copies of every bill be printed for the use of the House after it shall have been read the first time, unless otherwise directed.

Mr. Parkinson offered the following:

Whereas, the apportionment of the representation is a subject of great importance to the Territory, and generally causes much trouble and dissatisfaction: therefore,

Resolved, that four more members be added to the committee appointed on that subject, in order that the Speaker may distribute them through the several counties of the Territory.

The said preamble and resolutions were agreed to, and

Messrs. Parkinson, Durkee, Quigley, and Teas, were appointed additional members of the committee.

On motion of Mr. Engle, the report of Mr. James Clarke, Librarian, was called up and referred to a select committee, to be called the committee on the Library.

Messrs. Engle, Childs, Sheldon, Blair, and Brunson, were appointed the committee.

On motion of Mr. Teas,

Resolved, That the Speaker direct one or more of the officers of this House to take charge of all communications sent to or from the members by mail, and prepare some convenient place for the safe keeping of the same.

On motion of Mr. Teas, the following resolution, introduced by him on Saturday last, was called up and adopted.

Resolved, That a committee on Roads and Highways be appointed.

Messrs. Teas, Wheeler, Boyls, M^cKnight and Sholes, were appointed said committee.

On motion of Mr. Engle,

The House adjourned.

Tuesday, November 14, 1837.

Mr. Nowlin presented a remonstrance from inhabitants of Green county, respecting the seat of justice for said county.

Mr. Boyls presented two remonstrances on the same subject.

Referred to the select committee to whom were referred other petitions of inhabitants of Green county, viz: Messrs. Parkinson, Boyls, M^cKnight, Shanley, and Smith.

Mr. Sholes presented a petition of inhabitants of Brown county, praying that the act in relation to working on roads and highways be so amended as to authorize the overseers of the road district west of Fox river, to perform their labour on the roads in said district between the first day of January and the last day of March, in each year.

Referred to the committee on the Judiciary.

Mr. M^cGregor presented a petition of inhabitants of the county of Louisa, praying that polls may be opened in said county

for the purpose of determining where the county seat shall be permanently established in said county.

Laid on the table.

Mr. Durkee presented maps and reports of the survey of a canal route to connect Lake Ontario with Lake Erie, and asked them to be referred to the committee on Internal Improvements, with a view to draw forth an expression of this Legislature in relation to the propriety of Congress engaging in the construction of said canal.

Referred to the committee on Internal Improvements.

On motion of Mr. Engle,

Resolved, That the Speaker of this House be requested to tender the use of the Hall of the House of Representatives, at such hours and times as may suit the convenience of the House, to Dr. Parnell, for the purpose of affording that gentleman a room for his accommodation, in delivering a course of lectures upon the science of Phrenology.

On motion of Mr. Childs,

Resolved, That Dr. Parnell be permitted to take a seat at pleasure within the bar of this House.

On motion of Mr. Teas,

Resolved, That the Speaker of this House employ a draftsman to draw plats of the country west of the Mississippi river, that this House may be better enabled to adjust and establish the lines of the several counties.

On motion of Mr. Chance,

Resolved, That a select committee be appointed to memorialize Congress on the subject of the division of the Territory of Wisconsin.

Messrs. Chance, McGregor, Parkinson, Sheldon, and Childs, were appointed said committee.

Mr. McGregor offered the following resolution:

Resolved, By the Council and House of Representatives (the Council concurring herein) that our Delegate in Congress be requested to use his best endeavours to procure the passage of a law by Congress establishing one Land Office in this Territory west of the Mississippi river; which, on motion of Mr. Teas, was amended by striking out "one," and inserting "two."

The resolution was then read, as amended, the first time; and by rule of the House lies one day upon the table.

On motion of Mr. Childs,

Resolved, That the committee on the Judiciary be authorized to inquire into the expediency of abolishing an existing law of this Territory, entitled "An act to regulate the mode of petitioning the Legislative Council."

On motion of Mr. Sheldon,

Resolved, That there be a select committee of three appointed to investigate the doings and present situation of the Miners' Bank of Dubuque, and that said committee have power to send for papers and persons, and report to this House a full statement of facts, as soon as practicable, during the present session: which,

On motion of Mr. Nowlin, was amended by striking out "three" and inserting "five," so that the resolution, as amended, would read "that there be a select committee of five appointed," &c.

On motion of Mr. Engle,

Ordered, That the resolution be laid on the table and made the order of the day for to-morrow.

On motion of Mr. Teas,

Resolved, That the committee on Finances be, and they are hereby instructed to inquire into the expediency of abolishing imprisonment for debt.

Mr. M. Williams, from the committee on Enrolments, reported the preamble and resolutions, adopted by both Houses of the Legislature, on the subject of the mails, to be correctly enrolled.

They were then presented to, signed by the Speaker, and transmitted to the President of the Council for his signature.

Mr. Parkinson from the committee to which was referred the petitions of inhabitants of the county of Iowa, praying that county roads be established, by leave, introduced bill No. 2, which was read the first time, and laid on the table.

Mr. Box offered the following:

Inasmuch as there has been great dissatisfaction manifested by the people of the west side of the river Mississippi concern-

ing the Territorial road that was created by the last session of the Legislature of this Territory, Therefore, be it

Resolved, That a Territorial road be laid out, commencing on the north bank of the Des Moines river, on the line dividing the State of Missouri and this Territory, opposite St. Francisville; thence on the nearest and best route to Dubuque; thence on the nearest and best route to Cassville; thence on the nearest and best route to the seat of Government of this Territory; and that the committee on Memorials be instructed to memorialize Congress, asking for a sufficient sum of money to lay out and build said road.

Mr. Teas offered the following as a substitute:

Resolved, That the committee on roads be instructed to bring in a bill, to establish a Territorial road from the northern bank of the Des Moines river opposite St Francisville, the nearest and best route to Wapello, in Louisa county.

On motion of Mr. Engle, the resolution and substitute were laid on the table.

A message was received from His Excellency the Governor, enclosing resolves passed by the Legislature of the state of Massachusetts, respecting the franking privilege: which resolves are as follows:

EXECUTIVE DEPARTMENT, November 13, 1837.

To the Honourable, the President of the Council:

SIR, I have the honour to transmit, for the consideration of the Council, a copy of the resolves of the Legislature of Massachusetts respecting the franking privilege, presented by the Executive of that State.

With great respect, your obed't serv't,

HENRY DODGE.

COMMONWEALTH OF MASSACHUSETTS,

In the year one thousand eight hundred and thirty-seven. }

RESOLVES RESPECTING THE FRANKING PRIVILEGE.

Resolved, That the franking privilege should be extended to the Governors of the several States, and to the Secretaries there-

of, and, also, to the chief clerks of both branches of the several State Legislatures.

Resolved, That his Excellency the Governor be requested to transmit a copy of these resolves to each of our Senators and Representatives in Congress, and to the Governors of the several States.

House of Representatives, April 19, 1837.

Passed.

JULIUS ROCKWELL, Speaker.

In Senate, April 19, 1837.

Passed.

HORACE MANN, President.

April 20, 1837.—Approved.

EDWARD EVERETT.

A true copy.—Attest,

JOHN P. BIGELOW.

Secretary of the Commonwealth.

Ordered, That said Message and Resolves do lie on the table.

On motion of Mr. Childs,

Resolved, That the Chief Clerk furnish the Post Master at this place with a list of the Members of this House, and that the postage on all letters and papers sent and received by members be paid out of moneys appropriated for contingent expenses.

Mr. Teas offered the following resolution:

Resolved, That the officers pro tem. of this House be allowed the several sums set opposite their respective names, to wit:

Clerk, per day,	-	-	-	-	\$4 00
Sergeant-at-Arms, per day,	-	-	-	-	3 00
Door-keeper,	"	"	-	-	3 00
Messenger,	"	"	-	-	3 00

On motion of Mr. Childs,

The resolution was amended so as to allow the Speaker, pro tem. three dollars per day, additional pay. The resolution, as amended, was adopted.

Mr. McGregor gave notice that he should, on to-morrow, introduce a bill, entitled

"An act to define the extent of possession in cases of settlement on the public lands, and to define the amount of improvement requisite to constitute a settlement."

The House adjourned.

Wednesday, November 15, 1837.

Mr. Brunson presented the certificate of the election of Mr. Jean Brunet to a seat in this House, which was read. Thereupon Mr. Brunet appeared, was sworn, and took his seat.

Mr. Sholes presented the petition of the Foreign and Domestic Mission Society of the Protestant Episcopal Church of the United States of America, praying for the incorporation of a public college to be located at Green Bay.

Referred to the committee on corporations.

Mr. Parkinson presented the petition of Justus De Seelhurst, sheriff of the county of Iowa, praying to be remunerated for expenses incurred by him as sheriff, in the trial of one Lynden B. M'Cumber.

Referred to the committee on the judiciary.

Mr. M'Gregor presented the petition of inhabitants of the counties of Cook and Dubuque, praying that the sixteenth section (being a school section) in township No. 79, of range No. 2, east of the fifth principal meridian, may be brought into market in pursuance of a bill authorizing the same.

Referred to the committee on schools.

On motion of Mr. Box, the resolution introduced by him yesterday, on the subject of territorial roads, and the substitute proposed thereto, were laid on the table until Tuesday next.

On motion of Mr. Sholes,

Resolved, That the committee on the judiciary be instructed to inquire whether that law of this territory, entitled "An act to provide for the appointment of supreme court commissioners in certain counties, and to define their powers and duties," does not materially conflict with that provision of the organic law of the territory which says: That the judicial power of the said territory shall be vested in a supreme court, district courts, probate courts, and justices of the peace."

The following message was received from the Council by the Secretary:

"Mr. Speaker—I am directed to inform the House of Representatives, that the rules and regulations for the government of the territorial library have been adopted by the Council, with the accompanying amendments:

Strike out the whole of the 7th rule.

Strike out in the 8th rule, the words, "including the employment of an assistant."

Change the number of the 8th rule to 7th.

I am also directed to present "a memorial for the construction of a harbour at the mouth of Milwaukee river;" also, "a memorial for the improvement of the Des Moines and Rock river rapids, in the Mississippi river;" and "a memorial for the construction of a road from the mouth of Milwaukee river to Madison, Mineral Point, by way of the town of Mississippi, to Dubuque;" all of which have been passed by the Council, and request the concurrence of the House therein.

And then he withdrew.

On motion of Mr. Brunson,

Resolved, that another member be added to the select committee, to which was referred so much of the Governor's message as relates to the apportionment of members of the House of Representatives in the next Legislative Assembly, in order that the county of Crawford be represented therein.

The Speaker appointed Mr. Brunson a member of the said committee.

On motion of Mr. Parkinson,

Resolved, That the petition of John Loofborrow and others be now taken up and referred to the committee on schools, with instructions to report as soon as convenient.

Mr. Sheldon, chairman of the Committee on the Militia, by leave, introduced the following bill (see bill No. 4,) entitled "A Bill relating to the Militia and public defence of the Territory of Wisconsin:"—which was read a first time and laid on the table.

Mr. Engle, from the Judiciary Committee to which was referred the petition of Isaac Hendershot, praying the passage of an act of the Legislative Assembly authorizing a change of venue from the county of Van Buren to the county of Du-

buque, or some other county out of the second Judicial District, in the case of the United States against the said Isaac Hendershot, who is charged with killing one Nathaniel Knapp in the said county of Van Buren, beg leave to make the following Report:

That the Committee are fully sensible of the propriety of granting every facility for a change of venue where a party is at all liable, from popular excitement or prejudice, to the danger of not being able to have a fair and impartial trial in the county where an offence is charged to have been committed. The Committee are, however, of opinion that the law has already provided a sufficient safe-guard in this respect.

By the tenth section of the act of the Legislative Council of Michigan (in force in this territory) entitled "An act relative to the Supreme and Circuit Court of this Territory," it is provided that the Circuit Court, upon good cause shown, shall have power to change the venue in any case depending therein, and direct the issue to be tried in any county other than the county in which the suit was commenced." By the act of Congress organizing this territory, the powers and jurisdiction of the Circuit Court were transferred to the District Courts established under that act, and there seems to the committee that full power is vested in the District Judge of the second judicial district, to comply with the request of the Petitioner, upon good cause being shown.

The Committee have not been apprized of any circumstance connected with this case requiring special legislation, and therefore report the following resolution:

Resolved, That the committee on the judiciary be discharged from the further consideration of the subject referred to them by the House on the petition of Isaac Hendershot.

The report and the resolution were agreed to.

Mr. McGregor, by leave, introduced the following bill (No. 5,) entitled "An Act to define the extent of possession in cases of settlement on the public lands, and to define the amount of improvement requisite to constitute a settlement."

The bill was read the first time, and laid on the table.

On motion of Mr. Sheldon,

The resolution to appoint a committee to investigate the doings and present situation of the Miners' Bank of Dubuque, introduced by him, and made the order of the day, was taken up and considered.

Mr. Sholes moved the following amendment:—Strike out all after the word “Resolved,” and insert “If the Council concur, That the different banks now in operation in this Territory, be required by their officers, under oath or affirmation, to make and transmit to the Legislative Assembly, at its present session, full, fair, and explicit statements of their condition; stating the amount of déposités; the profits on hand; the amount of bills in circulation; the amount of debts due from all other persons or corporations, (not, however, naming them;) the amount of specie in Bank; the amount of all bills of other Banks; the manner of their discounts: the amount of their stock in other Banks; the amount of real estate, and other property not herein specified; together with the amount of capital actually paid in.”

The amendment was agreed to, and the resolution, as amended, passed.

Mr. Sholes gave notice, that he should, at a future day, by leave, introduce a bill concerning costs and fees.

On motion of Mr. Engle,

The amendments to the joint rules for the regulation of the Territorial Library, sent from the Council, were taken up, and severally disagreed to.

Ordered, That the Council be informed.

The following message was received from the Council by the Secretary:

“Mr. Speaker—I am directed to present a joint resolution relative to the publication of the laws passed at this session of the Legislative Assembly, which has passed the Council, and to request the concurrence of the House therein.

And then he withdrew.

The House adjourned.

Thursday, November 16, 1837.

Mr. Parkinson presented the petition of A. W. Floyd for divorce.

Referred to a select committee, consisting of Messrs. Parkinson, Quigley, Box, Brunet, and Childs.

Mr. Box presented the petition of inhabitants of Des Moines, Henry, and Van Buren counties, praying for the construction of a Territorial road from Burlington to Rochester.

Referred to the committee on Roads and Highways.

Mr. Teas presented petitions of inhabitants of Van Buren county, praying for the incorporation of an Hydraulic Company, at the great bend of the Des Moines River.

Referred to the committee on Corporations:

Mr. Chance offered the following resolution:

Resolved, That the committee on schools inquire into the expediency of memorializing Congress to donate the sum of eight hundred dollars to each township in this territory, west of the Mississippi river, in lieu of the sixteenth section.

The resolution was disagreed to.

On motion of Mr. Jenkins,

The vote on the resolution offered by Mr. Sheldon, on yesterday, on the subject of investigating the doings of the Miner's Bank, and the amendment offered by Mr. Sholes thereto, adopted by the House, was reconsidered.

The original resolution and amendment were then read, and the question recurred on agreeing to the amendment, and the question being taken, the amendment was disagreed to.

Mr. Engle offered the following as a substitute to the said resolution:

Resolved, That there be appointed a committee of five to inquire into the actual condition of the different Banks, having charters of incorporation in this territory; that said committee be required to inquire by oath or affirmation of the respective

officers, or otherwise, into such facts as may enable the said committee to make to the Legislative Assembly, at its present session, full, fair, and explicit statements of their condition: stating the amount of capital paid in; the amount of deposits; the profits on hand; the amount of bills in circulation, and the character thereof, whether purporting to be payable on demand or otherwise; the amount of debts due from, all other persons or corporations; the amount of specie in bank; the amount of all bills of other banks; the kind of funds with which discounts have been made; the amount of their stock in other banks; the amount of real estate, and other property not herein specified; together with such other facts as may tend to show whether the said corporations have complied with the requisitions of their charters, or not; and that said committee be empowered to send for persons and papers.

The substitute was accepted by Mr. Sheldon.

Mr. Teas offered the following amendment:—add,

“And that said committee, should they deem it necessary, shall, and they are hereby required to visit in person said banks.”

Which amendment was also accepted.

Mr. Durkee moved to insert after the word “officers,” the words, “or any other persons,” which was agreed to.

Mr. Smith moved to strike out the word “five,” and insert the word “three,” which amendment was accepted, making the resolution read, “that there be appointed a committee of three,” &c.

The question was then taken on the adoption of the resolution as amended, and it passed in the affirmative.

Messrs. Sheldon, Engle, and Sholes, were appointed the committee.

On motion of Mr. Engle,

Resolved, That the Executive of this territory be requested to furnish this House with a copy of any correspondence he may have had with the Executive of the state of Missouri, upon the subject of the boundary line between that state and this territory; and also with a copy of the correspondence upon the same subject, between him and the President of the United States, as far as he may deem the communication of the same compatible with public interest.

The memorials sent from the Council on yesterday, requiring the concurrence of the House, were taken up and severally considered.

Memorial for the improvement of the Des Moines and Root river rapids in the Mississippi river, was read the first and second time.

Mr. Teas moved to strike out the word "fifty," where it occurs, and insert "one hundred."

The amendment was agreed to.

Mr. Engle moved to strike out the word "seven," where it occurs, and insert the word "thirty," which was agreed to.

The memorial was then ordered to be engrossed for a third reading.

Memorial for the construction of a harbour at the mouth of Milwaukee river, was read a first and second time, and

On motion of Mr. Engle, was referred to a select committee consisting of Messrs. Durkee, Childs, M^rWilliams, Sholes, and Engle.

Memorial for the construction of a road from the mouth of Milwaukee river to Madison, Mineral Point, by way of the town of Mississippi to Dubuque, was then a first and second time read, and

On motion of Mr. Cox, was referred to the following committee, viz: Messrs. Durkee, Childs, M^rWilliams, Sholes, and Engle.

Mr. Childs, chairman of the committee on finance, instructed by a resolution of Tuesday last, to inquire into the expediency of abolishing imprisonment for debt, respectfully reports, that they do not think the subject properly cognizable by them, and therefore ask to be discharged from the further consideration of the subject.

The report was agreed to, and the committee discharged therefrom.

On motion of Mr. Sheldon,

The subject of imprisonment for debt was referred to the committee on the judiciary.

Mr. Quigley, chairman of the committee on schools, made the following report:

The committee on schools, to whom were referred the petition of inhabitants of the counties of Cook and Dubuque, praying for an act to authorize the sale of the sixteenth section in township 79, of range 2 east, report: That your committee know of no law of Congress which authorizes the legislature of this territory to sell or otherwise dispose of the sixteenth section, or any other portion of the public domain west of the Mississippi river.

Your committee ask, therefore, the adoption of the following resolution:

Resolved, That the committee on schools be discharged from the further consideration of the said petition:

The said report and resolution were agreed to.

The Governor's message on the subject of the resolves passed by the legislature of the state of Massachusetts, concerning the ranking privilege, was taken up, the message and resolves were read, and

On motion of Mr. Sholes, were referred to a select committee of three for the purpose of memorializing Congress on the subject.

Messrs. Sheldon, Sholes, and Engle, were appointed said committee.

On motion of Mr. Engle, the resolution sent from the Council for the concurrence of the House on the subject of the publication of the laws, was then read a second time, and

On motion of Mr. Teas, was laid on the table until to-morrow.

Mr. Quigley gave notice that at a future day he should ask leave to introduce a bill concerning constables.

Mr. Teas gave notice that at a future day he should ask leave to introduce a bill to provide for the collection and disbursement of county revenue.

Mr. McGregor gave notice that he should, on to-morrow, by leave, introduce a bill to prevent forcible entry and detainer.

Mr. Childs gave notice that he should, on to-morrow, move to amend the 6th of the joint rules and orders of the two Houses.

And then the House adjourned.

Friday, November 17, 1837.

Mr. M'Gregor presented the petition of inhabitants of the county of Dubuque, praying for the location of a state road, to commence at the place on the north-east side of Cedar river, where the boundary line between the land owned by the United States and the Indians crosses the river; thence down Cedar river on the best route to Rochester, at the mouth of Rock Creek; thence the best route to Moscow; and from thence to Bloomington, on the Mississippi.

Referred to the following select committee, viz: Messrs. M'Gregor, Reynolds, Blair, Box, and Wheeler.

Mr. M'Gregor presented the petition of inhabitants of Dubuque and Louisa counties, praying for the location of a territorial road from Black Hawk to John Gilbert's on the Iowa.

Referred to same select committee.

On motion of Mr. Shanley,

Resolved, That the committee on military affairs be instructed to memorialize Congress on the subject of a military road commencing at Prairie du Chien, running on the nearest and best route to Lancaster, the county seat of Grant county, Wisconsin Territory, from thence on the nearest and best route to Paris, on Big Platte river, and from thence on the nearest and best route to Galena.

On motion of Mr. Teas,

Resolved, That a committee of three be appointed to memorialize the Congress of the United States, asking for the establishment of all the mail routes and post offices that are necessary to accommodate the inhabitants on the west of the Mississippi, in said territory.

Messrs. Teas, Cox, and Wheeler, were appointed the committee.

Mr. Parkinson, from the select committee to which was referred the petition of A. W. Floyd, for divorce, by leave, introduced the following bill, [No. 6,] entitled, "A bill to divorce A. W. Floyd, from his wife, Eleanor Floyd.

The following message was received from the Council, by the Secretary, and laid on the table.

"Mr. Speaker—I am directed to present a resolution respecting the franking privilege, which has passed the Council, and to request the concurrence of the House of Representatives therein.

"I am directed to inform the House of Representatives that the Council have appointed Messrs. Dickinson and Sweet the committee on their part, on the disagreeing vote of the two Houses, in relation to the joint rules for the government of the territorial library.

"I am further directed to present, 'A memorial to Congress for an appropriation for the construction of a harbour at the mouth of Root river, on lake Michigan,' which has been adopted by the Council."

And then he withdrew.

Mr. Chance from the committee appointed to draft a memorial for the division of the territory and for the organization of a separate territorial government west of the Mississippi river, submitted the following:—

The memorial of the Legislative Assembly of the territory of Wisconsin, respectfully represents—That owing to the great extent of country embraced in the limits of Wisconsin territory, and that vast extent of territory being separated by a natural division, the Mississippi river, rendering the application of the same laws oppressive or unequal to one section or the other. The true policy of the two sections of the territory being as widely different as their location, and the impracticability of the officers of the general government to administer the laws, render it highly important in the opinion of your memorialists that that portion of the territory lying west of the Mississippi river, be formed into a separate territorial government.

The territory of Wisconsin now contains fifty thousand inhabitants, one half of which, at least, reside on the west side of the Mississippi river.

Without any intention of censuring the official conduct of the officers in whose hands the administration of our infant territory has been intrusted, but having the fullest confidence in the patriotism, wisdom, and desire to render that service for which

their talents and experience so eminently qualify them, your memorialists would respectfully represent, that the western portion of Wisconsin, with the population of twenty-five thousand souls, reaps but a small portion of the benefits and advantages of the fostering care and protection of the mother government.

Your memorialists would further represent, that the population of Wisconsin is increasing with a rapidity unparalleled in the history of the settlement of our country. That by a division of the territory and the formation of a separate territorial government west of the Mississippi river, your honourable body would greatly advance the political and individual interests of her citizens.

Deeply impressed with the correctness of these views, your memorialists would respectfully call your attention to a few facts.

The territory of Indiana was formed into a territory in the year 1800, with a population of only five or six thousand. The territory of Illinois in 1809, with a population of about ten thousand. The territory of Michigan in 1805, with a population of only about two or three thousand. The territory of Arkansas had a population of about fourteen thousand when she was formed as a separate territory. That portion of Wisconsin Territory lying west of the Mississippi, and which your memorialists pray may be formed into a separate territorial government, contains nearly double the population of Arkansas, nearly three times the population of Illinois, five times the population of Indiana, and more than ten times the population of Michigan, when they were formed into separate territorial governments.

Your memorialists repose entire confidence in the wisdom and patriotism of the Congress of the United States. Therefore your memorialists pray your honourable body to organize that portion of Wisconsin, lying west of the Mississippi into a separate Territorial Government.

The said memorial was then read the first, second, and third times, and passed.

Ordered to be sent to the council for concurrence.

Mr. Teas, from the select committee, to which was referred

so much of the Governor's message as relates to the Missouri boundary line, made the following report:

The select committee to whom so much of the Governor's Message was referred as relates to the adjustment of the boundary line between the State of Missouri and this Territory: Respectfully report:

That by an act of Congress approved the sixth day of March, 1820, the people of Missouri Territory were authorized to form a State Constitution and Government, and her boundaries defined, (particularly her northern boundary) commencing "at the intersection of the parallel of latitude which passes through the rapids of the river Des Moines, making the said line to correspond with the Indian boundary line, thence east from the point last aforesaid, along the said parallel of latitude to the middle of the main fork of the said river Des Moines, thence down and along the middle of the main channel of the said river Des Moines, to the mouth of the same, where it empties into the Mississippi river."

The state of Missouri adopts the same language, and calls for the same boundaries in her constitution.

It is a fact generally admitted and sustained by the highest authority, that in explaining law, the object of the Legislator shall be ascertained as near as may be, and that the words used shall be understood in the plain, common sense meaning, or common acceptation; and it is to be supposed the Congress of the United States in designating the northern boundary of Missouri, or the members of the convention in framing their constitution would have called for the parallel of latitude of a place that was unknown at that time, but must have been not only known to exist, but the locality of which could be, and doubtless was determined by reference to the maps of the country, and consequently must have been the lower rapids of the Mississippi, known from the time of their first discovery by civilized man as the Des Moines rapids, or rapids of the Des Moines river, from their contiguity to the mouth of that stream. The upper rapids have always been called the Rock river rapids, or rapids of Rock river, for the same reason and from the same cause. At that time the geography of the Des Moines river was not only very imperfectly known, but we believe we are

warranted in saying that no such place on the Des Moines river was known to exist; and notwithstanding it is now known that there are various swift running places on that stream, it is very doubtful whether any of them is of sufficient importance to entitle it to the name of rapids, and it is conclusively evident that no one of them is entitled to that appellation in contradistinction from several others.

We are warranted in the above conclusions by the fact that in 1824, the United States by treaty extinguished the Indian title to all the lands within the chartered limits of Missouri, as declared by said treaty to be "east of a line from the Missouri river at the entrance of the Kansas river, north one hundred miles to the north-west corner of the state of Missouri, and south of a line from thence east to the Mississippi, being understood that the small tract of land lying between the rivers Des Moines and Mississippi, and the section of the above line is extended for the use of the Half Breeds of the Sac and Fox nations.

This treaty was made by Gov. Clark, one of the oldest citizens of Missouri, and one, too, fully acquainted with the nature, situation, and extent of the country, and was ratified by the Senate of the United States on the 18th day of January, 1825, and as such, according to the constitution of the United States, Art. 6th, Sect. 2, became one of the supreme laws of the land, any thing in the constitution or law of any state to the contrary, notwithstanding.

And no complaint was heard either from the people of Missouri, or her representatives in Congress, that justice had not been done them, or that they were entitled to more territory to the north than had been acquired by the treaty.

In 1835 it was understood by report, that certain individuals who were interested in what is generally called the Half Breed tract, had discovered that Missouri previously to this time had been mistaken, and that her northern boundary line, according to the laws of the United States and her constitution, should be extended; doubtless hoping thereby, that, as a consequence, her northern line of the Half Breed tract would be extended, and as such, would increase their individual gains. But whether

the present line of Missouri be extended or not it cannot affect the boundaries of the Half Breed tract, for the reason that Missouri claims the right of extension by virtue of the law of Congress above referred to, and the language of her constitution; whereas the boundaries of the Half Breed tract were defined and are determined by the treaty of the 4th of August, 1824, and is described to be "that small tract of country lying between the river Des Moines and Mississippi, and the section of a line due east, from a point one hundred miles north from the mouth of the Kansas river," according to which the Half Breed tract contains as much, if not more territory, than it should do.

The people of Missouri now begin to think of rapids somewhere on the Des Moines river, as the parallel of latitude of her northern boundary, that must be searched for and sought out.

In 1836 she attempted an extension of her jurisdiction by the execution of civil process in the hands of an individual acting or claiming to act under the authority and by the sanction of her laws. By an act of her legislature, approved Dec. 21st, 1836, provision was made for the survey and marking out her northern boundary.

Now admitting she had the right to pass the above act, she unquestionably destroyed the legality of her proceedings by failing to comply with the requisitions of her own laws, the 7th section of which required "that the Governor of that State should open a correspondence with the President of the United States, and the Governor of Wisconsin, and request the appointment of Commissioners to act in conjunction with the Commissioners on the part of Missouri." The 8th section provides "that when it shall be known to the Governor of Missouri that one or both the governments have appointed commissioners for the purpose aforesaid, he shall direct the commissioners on the part of that state to meet and to act in conjunction with the Commissioners appointed by the other parties." The 9th section provides "that if the United States or the territory of Wisconsin shall fail or refuse to appoint commissioners, that after six months the Governor of Missouri shall

give notice to the commissioners on the part of Missouri, and they shall proceed to discharge the duties required of them by this act."

No such correspondence has ever been opened with the Governor of Wisconsin; no request has ever been made for the appointment of commissioners on the part of this territory, as required by the Governor of Missouri in the above named act; neither have we any information of any correspondence being opened with, or any such request having been made of the President of the United States. But whether it was or not, no commissioners were appointed on the part of the United States and the commissioners on the part of Missouri alone, proceeded to survey and mark what they would wish to be established as the northern boundary line of Missouri, in direct violation of the principles of the Government, as taught in the 9th article of the articles of confederation.

Notwithstanding we have none but the best of feelings toward the state of Missouri, and would regret exceedingly that anything should transpire that would interrupt the friendship that should exist between us, yet we must solemnly protest against the conduct and proceeding of Missouri.

And whereas, a number of highly respectable citizens from various parts of the United States have settled in the tract which Missouri is now contending, expressly with a view to living in a free or non-slaveholding state, who are unwilling to be connected with the state of Missouri, and fearing the consequences of a collision with a neighbouring state, earnestly desire to have this matter adjusted, and the boundary between this territory and the state of Missouri determined.

And whereas, the people living on the tract, or near the tract are not only interested, but the whole territory of Wisconsin as well as the inhabitants of Missouri; and should the state of Missouri attempt forcibly to extend her jurisdiction over the tract of country for which she now contends, without the sanction of Congress, it might produce a state of things greatly to be regretted; notwithstanding we are young and feeble, we are not disposed to yield quietly what we believe we are in justice entitled to; and whereas, we look in confidence to, and rely upon the justice of the Congress of the United States for the final settlement of this matter: therefore

Resolved, By the Council and House of Representatives of the territory of Wisconsin, that our Delegate in Congress is hereby instructed to use his best exertions to procure the passage of an act to provide for the appointment of commissioners on the part of the United States, and on the part of this territory, to act in conjunction with commissioners on the part of the state of Missouri, to finally adjust and settle the boundary line between the state of Missouri and the territory of Wisconsin, and that a copy of this report be sent to our Delegate in Congress, to the President of the Senate and to the Speaker of the House of Representatives of the United States.

On motion of Mr. M'Gregor,

The said memorial was read the first, second, and third time, passed, and

Ordered to be transmitted to the Council for concurrence.

On motion of Mr. Chance,

Mr. Morgan, Sergeant-at-Arms was excused from attending the House for a short time.

On motion of Mr. Teas,

Mr. John Lorton was appointed Sergeant-at-Arms during the absence of Mr. Morgan.

Mr. M'Gregor, from the select committee to which was referred so much of the Governor's message as relates to pre-emption on the public lands, by leave, reported the following memorial:

The memorial of the Legislative Assembly of the territory of Wisconsin, respectfully represents:

That the territory of Wisconsin is deeply interested in the subject of the public lands; that her citizens have received with attention the past, and now look forward with increased anxiety to the future action of the National Legislature upon the subject.

That the final disposition of the public domain involves deeply the interest of our whole country, is a fact impressed strongly upon the minds of your memorialists; and entertaining as they do, the belief, that in making that disposition, your honourable body will feel impelled by a high sense of duty to your common country, without regard to local interests or sectional feeling, to pursue that line of policy which will most advance the interests of that country.

If properly disposed of, the public domain may be productive of national and individual prosperity, commensurate with our union and durable as time. But if, on the other hand, it be unwisely parted with by the general government, or still more unwisely retained in her possession, it must produce in the Council of the nation strife and discord.

In Wisconsin there has been but a small portion of the public domain brought into market, that a large portion has been settled prior to any survey having been made, and thousands of those hardy and enterprising pioneers, who by their enterprise and industry have converted a solitary waste into highly cultivated fields, opened roads, built houses, mills, and bridges, thereby rendering the soil valuable and creating the necessary facilities of easy and convenient intercommunication, constitute, in the opinion of your memorialists, considerations of great merit, and should have great influence on the action of Congress touching the interest of the actual settler. The general inability of the frontier settler to pay a greater than the government minimum price for its lands, taken in connexion with their important services in the primitive settlement of the country, to say nothing about the justness of securing the actual settler his improvements, which he has acquired under circumstances of great privation and hardship, constitute strong claims upon the more generous legislation of your honourable body.

The increase of population in this Territory has been great beyond all precedent, and those immense prairies which were so recently an unproductive wilderness, are now beginning to be covered with an industrious, honest, and enterprising race of farmers.

The last two years, especially, have been distinguished by the unexampled rapidity with which this interesting process has been carried forward, and is still in progress. The tide continues to sweep on with undiminished force. A large proportion of these active emigrants are farmers—persons seeking homes, and a soil from which to earn a livelihood. From the uniform policy of the general government, in extending the right of pre-emption to actual settlers, thousands have expend-

ed their all in settling and improving the public lands. A large portion of this Territory having been settled prior to any survey, your memorialists most earnestly pray that your honourable bodies may speedily pass such laws as may be necessary to protect the settler in his improvements. That you extend the right of pre-emption for a half section to the actual settler who has cultivated the soil and made sufficient improvement to evince a *bona fide* settlement, securing to them all their improvements.

Believing that the public domain should be disposed of to the cultivators of the soil, that monopolies, by individuals or companies, should be prevented; that sales should be made to actual settlers only, and in limited quantities. Therefore your memorialists pray, that your honourable bodies may as speedily as possible pass a law restricting the sale of the public lands to actual settlers, and in limited quantities.

Your honourable bodies would by such a course of policy place the honest and industrious cultivator of the soil beyond the iron grasp of the speculator.

On motion of Mr. Teas,

The said memorial was read the first, second, and third times, passed, and

Ordered to be sent to the Council for concurrence.

Mr. Durkee, from the committee to which was referred the memorial sent from the Council for the construction of a harbour at the mouth of Milwaukee river, reported a substitute therefor; which is as follows:

To the Honourable, the Senate, and House of Representatives of the United States, in Congress assembled:

A memorial of the Council and House of Representatives of the Territory of Wisconsin respectfully represents:

That the business on the line of communication between Buffalo in the State of New York, to Milwaukee in this Territory, and to Chicago in the state of Illinois, renders it actually necessary that the mouth of Milwaukee river should be improved, and a safe harbour made, with sufficient depth of water to admit any craft engaged in the trade. Your memorialists would farther state, that from the north end of Lake Michigan

to Chicago, a distance of four hundred miles, there is not a harbour to protect the numerous vessels engaged in the Lake trade. The degree of importance to which the town of Milwaukee and its vicinity has already arrived, renders it indispensably necessary that the channel of the river should be improved, and a harbour constructed for the accommodation and protection of the shipping trade of that port. There are frequently fifteen or twenty sail of vessels and steamboats at one time anchored in the lake without the mouth of the river, waiting for fair weather to discharge their cargoes and land their passengers. These vessels are of a respectable class, varying from two to eight hundred tons burden, worth from twelve to eighty thousand dollars, each, and their cargoes amounting to a much larger sum. The frequent loss of life and property occasioned by shipwrecks on Lake Michigan should admonish your honourable bodies of the propriety of constructing harbours at all eligible points on said lake without unnecessary delay, and your memorialists confidently express the opinion that there is no point more eligible and important than the one alluded to in this memorial. The improvement asked for, would much enhance the value of the land in the vicinity belonging to the General Government, and would give additional security to the large amount of capital invested in the trade of the lakes.

Your memorialists would therefore respectfully recommend, that an appropriation of twenty thousand dollars be made by your honourable bodies, and placed under the control of the proper authority, so as to ensure the speedy commencement and completion of the work.

On motion of Mr. Chance,

The said substitute for the memorial sent from the Council was then read a first, second, and third time, passed, and

Ordered to be sent to the Council for concurrence.

Mr. Engle, from the select committee to which was referred the memorial (from the Council) for the construction of a road from the mouth of Milwaukee river, to Madison, Mineral Point, by way of the town of Mississippi to Dubuque, reported the following substitute;

To the Honourable, the Senate, and House of Representatives of the United States, in Congress Assembled:

The memorial of the Council and House of Representatives of Wisconsin Territory, respectfully represents:

That, at the present time there is no road in this territory, by which the mail can be transported with any degree of certainty from Lake Michigan to the Mississippi river, and the settlement of the country between those waters is also greatly impeded by the difficulty emigrants experience in getting supplies back for the subsistence of their families. From Milwaukee to Rock river, a distance of seventy miles, the land has never been offered for sale, and by laying off and making a road from the town of Milwaukee, by way of Madison, the seat of Government of the Territory, Mineral Point, to some eligible point on the Mississippi river, within this territory, the settlement of the intermediate country would be greatly promoted, and the facilities for transporting the mails increased. Your memorialists beg leave, therefore, to call the attention of your honourable bodies to this subject, and to ask the appropriation of

thousand dollars, to be expended under the direction of the proper department, in accomplishing the object herein named.

The said memorial was then considered.

Mr. Cox moved the following amendment:

Strike out the word "and," after the word Territory, and insert the words "thence to."

Strike out the words "to some eligible point," and insert "and Plattville to Cassville."

Mr. Quigley moved to amend the amendment by striking out the words "and Plattville to Cassville," and insert "the most eligible point."

The motion was lost.

Mr. Nowlin moved to lay the memorial and amendment on the table.

The motion was lost.

The question was then taken on the amendment made by Mr. Cox, and agreed to.

Mr. Nowlin moved to strike out the words "to Mineral Point, and thence to Plattville."

Mr. Parkinson moved to amend the amendment, by inserting the word "Dubuque."

The question was then taken and lost.

The yeas and nays being called for, were as follows.

Yeas:—Messrs. Box, Chance, M'Gregor, Nowlin, Quigley, and Wheeler—6.

Nays:—Messrs. Blair, Boyls, Brunson, Brunet, Childs, Cox, Durkee, Jenkins, M'Knight, M'Williams, Parkinson, Reynolds, Smith, Shanley, Teas, and Leffler, Speaker—16.

The question was then taken on the adoption of the substitute, as amended, and it was agreed to.

Mr. Brunson gave notice that he should at a future day ask leave to bring in a bill, entitled "An act to authorize and require the board of supervisors of the county of Crawford to levy a series of taxes, to defray the expense of building a bridge across the marrairs of St. Frieole, in said county."

Mr. M'Williams gave notice that he should at a future day ask leave to bring in a bill to organize a board of public works.

Mr. M'Gregor, by leave, introduced a bill (No. 7,) entitled "A bill to prevent forcible entry and detainer," which was laid on the table.

Mr. Parkinson gave notice, that he should at a future day ask leave to bring in a bill to provide for the erection of county buildings in the county of Iowa.

Mr. Shanley gave notice, that at a future day he should ask leave to introduce a bill to locate the county seats in this territory.

Mr. Teas, by leave, introduced a bill, (No. 8,) to locate and establish a road from Rochester, in the county of Van Buren, to intersect the territorial road, leading from Farmington to Burlington; which was laid on the table.

On motion of Mr. Childs,

The House adjourned till 3 o'clock P. M.

3 O'CLOCK, P. M.

The memorial for the construction of a road from Milwaukee, via Madison and Mineral Point, to the Mississippi river, was taken up and ordered to be engrossed for a third reading.

Mr. Engle, by leave, presented a petition of inhabitants of Dubuque, Cook, and Muscatine counties, praying for the organization and establishment of two new counties, out of the limits of the said counties, which,

On motion of Mr. Reynolds, was laid on the table.

Mr. Quigley gave notice that he should, on Monday next, ask leave to introduce a bill upon the subject of half breed lands.

The Secretary of the Council was introduced, and delivered the following message:

"Mr. Speaker, I am directed to present the accompanying resolution for the concurrence of this House, on the subject of the appointment of a joint committee to inquire into the state and condition of the Banks generally, and to inform you that Messrs. Foley and Arndt have been appointed the committee on the part of the Council.

"I am also directed to inform you, that the memorials sent up from this House this morning have been adopted by the Council, and are herewith returned."

And then he withdrew.

On motion of Mr M'Williams,

The resolution sent from the Council for the concurrence of the House on the subject of the appointment of a joint committee to inquire into the state and condition of the several banks in this Territory, was considered, and

The question being taken upon the adoption of the resolution, it was disagreed to.

Ordered, that the Council be informed.

On motion of Mr. Teas,

The resolution sent from the Council for the concurrence of this House, on the subject of the publication of the laws, was then taken up, and

On motion of Mr. Sheldon,

Was amended by inserting after the word "Advertiser," the words "and Milwaukee Sentinel."

The resolution as amended was then passed. Ordered, that the Council be informed.

The following message was received from the Council, by the Secretary:

"Mr. Speaker, the Council have passed bills,

"(No. 1,) 'A bill to locate and establish a territorial road from the town of Milwaukee to Janesville;'

"(No. 5,) 'A bill regulating and defining the extent of the right of possession on lands belonging to the government of the United States, and for other purposes;'

"'A resolution authorizing the Secretary of the Territory to expend the unexpended balance appropriated for the use of the late Secretary for rent of office and furniture.'"

And then he withdrew.

Mr. Childs, agreeably to the notice given yesterday, proposed the following as a substitute for the sixth of the joint rules and orders, viz:

"When the bills are enrolled, they shall be examined by a joint committee from both Houses appointed for that purpose, who shall carefully compare the enrolment with the engrossed bills, as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bills, make their reports forthwith to the respective Houses."

The substitute was adopted, and the Council ordered to be informed thereof.

And then the House adjourned.

Saturday, November 18, 1837.

The following message was presented by the Secretary of the Territory, from his Excellency, Henry Dodge, which was read and laid on the table:

"EXECUTIVE DEPARTMENT, Burlington, Nov. 17, 1837.

"Sir—In reply to a call made by the House of Representatives on the following resolution:

"Resolved, That the Executive of the territory be requested to furnish this House with a copy of any correspondence he may have had with the Executive of the state of Missouri, upon the subject of the boundary line between that state and this ter-

ritory; and also with a copy of the correspondence upon the same subject between him and the President of the United States, as far as he may deem the communication of the same compatible with the public interest."

"I have the honour to state to the House of Representatives that I have received no communication from the President of the United States or the Governor of the state of Missouri, in relation to the boundary line, the subject of the resolution in question.

"I am, with great respect, your ob't serv't.

"HENRY DODGE.

"To the Hon. Isaac Leffler, Speaker of the House of Reps."

On motion of Mr. Teas,

Leave of absence was granted to Mr. Reynolds, until Monday next.

Mr. Parkinson presented a petition of inhabitants of the county of Iowa, praying that certain townships of Iowa county be attached to the county of Green.

Referred to the same committee to which were referred previous petitions on the same subject.

Mr. McGregor presented a petition of inhabitants of Dubuque and Louisa counties to locate a territorial road from Davenport, on the Mississippi river, to John Gilbert's on the Iowa river.

Referred to the following select committee, viz: Messrs. McGregor, Reynolds, and Blair.

Mr. Childs offered the following:

Whereas, it is important that a proper seal indicating the various and peculiar interests of the territory of Wisconsin, should be procured for the use of said territory; and whereas, a temporary seal, not answering those purposes, has heretofore been used: Therefore, be it

Resolved by the Legislative Assembly of the territory of Wisconsin, That the Secretary of the Territory be, and is hereby authorized to procure such seal with as little delay as possible.

The preamble and resolution were adopted.

Ordered, that the Council be requested to concur therein.

Mr. Parkinson offered the following:

Whereas, John Hood of Mineral Point did improve certain grounds in the Mineral Point land district, where the town of Mineral Point now stands, and did apply for the right of preemption to the same, making the requisite proof, but his application was refused by the Register and Receiver of the land office, on the ground of its being mineral lands, contrary to the law, and not even with the sanction of the Commissioner of the General Land Office, and thereby deprived the said John Hood by their interpretation of the law, of his right to a valuable property; therefore

Resolved, That a committee be appointed to memorialize Congress to grant the said John Hood the right to some other lands in the territory of Wisconsin, or money in lieu thereof.

The preamble and resolution were adopted, and

Messrs. Parkinson, Smith, and Shanley were appointed said committee.

Mr. Smith presented a remonstrance of inhabitants of the county of Iowa, against certain points named in a petition for a Territorial Road from the White Oak Springs to the Blue mounds.

Referred to the same committee to which was referred the petition praying for said road, viz:

Messrs. Parkinson, Cox, Shanley, Boyls, and Smith.

On motion of Mr. Shanley,

Resolved, That the committee on Roads and Highways be instructed to inquire into the expediency of laying out a Territorial road, commencing at Cassville and running on the dividing ridge between the waters of Boyce's Creek and Pigeon to Lancaster, (the county seat of Grant county,) from thence to intersect the military road at or near Mr. Thos. Parrish's, from thence, the nearest and best route to Madison, the seat of Government of this Territory.

On motion of Mr. M'Gregor,

Resolved, That the Chief Clerk furnish the printers with a corrected copy of the daily journal of this House, so that the same may appear in his paper as corrected.

On motion of Mr. Childs,

Resolved, That the committee on Roads and Highways be

instructed to inquire into the expediency of establishing a Territorial road in Brown county, to commence at Fort Howard, Green Bay, on the west side of Fox River, from thence on the nearest and best route to Grand Kakalin, from thence the nearest and best route to Knagg's Ferry, at Big Butte Des Morts, from thence across the Fox River to Fort Winnebago the nearest and best route; also, to establish and lay out a Territorial Road from Fond du Lac to the seat of Government of Wisconsin Territory on the nearest and best route; also, to establish and lay out a Territorial Road from Depere to the mouth of Manitowoc River on Lake Michigan, from thence to the mouth of the Sheboyagan River; also, to establish and lay out a Territorial road from Astor or Navarino to the mouth of the two rivers on Lake Michigan, on the nearest and best route.

On motion of Mr. Boyls,

Resolved, That when any member shall state in his place, that notice has been given, agreeably to the provisions of an act, relative to petitions, it shall be taken and deemed to be sufficient testimony of the fact.

Mr. Jenkins moved the following:

Resolved, That the committee to which was referred that part of the Governor's message relative to the reporting a code of laws, be requested to make their report on Monday next.

Mr. Durkee moved to amend the resolution by striking out "Monday," and inserting "as soon as practicable."

Mr. Nowlin moved to amend the amendment by substituting "Wednesday next."

The question was taken on the amendment to the amendment, and lost.

The question was then taken on agreeing to the amendment, and it was decided in the affirmative.

The question was then taken on the adoption of the resolution, and it was lost.

Mr. McWilliams, chairman of the committee on enrolments, reported "a memorial for the construction of a harbour at the mouth of Milwaukee river," to be correctly enrolled.

The said memorial was then presented to, signed by the

Speaker, and ordered to be sent to the President of the Council for his signature.

Mr. Durkee, chairman of the committee to which was referred plats and reports of the survey of a canal to connect Lake Ontario to Lake Erie, by leave, made the following report:

The committee to which were referred the plats and reports of the survey of a canal route to connect Lakes Ontario and Erie, beg leave to report:

That in the opinion of your committee the proposed ship canal to connect Lakes Ontario and Erie is a project that is grand and elevated in its views; that while it promises protection to our government in the event of a foreign war with the United States, (which should be a powerful consideration to the General Government,) it opens new channels of trade, and operates as a powerful auxiliary in the protection and rapid increase of our commerce, benefits that are important in their character and essential to the welfare and prosperity of the republic. The well known fact that it will lessen nearly one half of the expense in freighting goods from New York to the Upper Lakes, shortening the canalage by shipping goods by way of Oswego through Lake Ontario instead of the present by way of Buffalo, the legitimate effects of which would be to increase the imports by rapidly enlarging the exports of the West; thereby greatly augmenting the revenue of the United States to such an extent as would soon remunerate the general Government for the expense of constructing said canal.

Your committee have therefore annexed to this report a resolution which they ask to be accepted by the House.

Resolved, That in the opinion of the Council and House of Representatives of the Territory of Wisconsin, the construction of a ship canal by the Congress of the United States, to connect Lake Ontario with Lake Erie, will reflect great credit upon the nation, and highly promote the trade and commerce of the United States.

Which was laid on the table.

The undermentioned bills were introduced by leave, read the first time, and laid on the table.

By Mr. McGregor, (No. 9,) "A bill to establish a territorial road from the forty mile point, on the Cedar river in Dubuque county to Bloomington on the Mississippi river."

By Mr. Quigley, (No. 10,) "A bill respecting Constables."

By Mr. Brunson, (No. 11,) "A bill to authorize the board of Supervisors of the county of Crawford to levy a series of taxes, &c. for the construction of a bridge across the Marrais of St. Friele in said county."

Bill (No. 7,) entitled "A bill to prevent forcible entry and detainer," was then read a first time, and laid on the table.

On motion of Mr. Cox,

The substitute for a memorial for the construction of a road from Milwaukee, via Madison, Mineral Point, Plattville, to Cassville on the Mississippi, was then read the third time, and passed.

Ordered, that the Council be requested to concur.

Mr. Nowlin gave notice, that he should at some future day ask leave to bring in a bill to suppress gambling.

On motion of Mr. Cox,

Resolved, That the chief clerk of this House be requested to superintend the publication of the slips of the journal of this House, and make such correction in the proof sheet as may be found requisite.

On motion of Mr. Shanley,

The House adjourned until Monday, at 10 o'clock, A. M.

Monday, November 20, 1837.

Mr. Parkinson, from the committee to whom was referred the petition of John Hood, reported a memorial in favour of the said John Hood, which was read the first time.

On motion of Mr. Shanley,

The said memorial was read the second time by its title and

On motion of Mr. Durkee, it was recommitted.

The following message was received from the Council, by the Secretary:

"Mr. Speaker,—I am directed to inform the House of Representatives that the substitute to the 6th of the joint rules as orders for the government of the two Houses, sent from the House of Representatives on Saturday last, has been disagreed to by the Council.

"I am directed, also, to inform you, that the Council have disagreed to the resolution on the subject of the publication of the laws in several of the papers of this Territory.

The Council have passed bill No. 6, entitled "A bill to legalize and make valid the records of deeds and other conveyances of the county of Brown;"

"In which the concurrence of the House is requested."

And then he withdrew.

On motion of Mr. Cox,

Resolved, That the committee on roads and highways be instructed to inquire into the expediency of laying out a territorial road from the town of Mississippi, in the county of Grant to Cassville, via Lafayette, and thence to Burnet's Ferry on the Wisconsin river, to Prairie du Chien.

Mr. Childs gave notice, that on a future day he should, by leave, introduce a bill, entitled "A bill to incorporate the Wisconsin Fire Insurance company at Green Bay," and also to introduce a memorial to the Congress of the United States to work the United States road from Green Bay to Chicago.

Bill, (No. 8,) entitled, "A bill to locate and establish a road from Rochester, in the county of Van Buren, to intersect the territorial road leading from Farmington to Burlington, south of Skunk river," was taken up, read a first time, and

On motion of Mr. Chance, was laid on the table until the 4th of July next.

Mr. Quigley, agreeably to previous notice, introduced a bill (No. 12,) entitled, "A bill for the partition of the Half Bre"

lands, and for other purposes;" which was read the first time, and

On motion of Mr. Chance,

The bill was made the order of the day on Thursday week.

Bill (No. 9,) entitled "A bill for an act to establish a territorial road from the forty mile point, on Cedar river in Dubuque, to Bloomington on the Mississippi river," was then read the first time, and laid on the table.

Mr. M^r Williams, from the committee on enrolments, reported the following memorial to be correctly enrolled, viz: "A memorial to Congress on the subject of pre-emption on the public lands," which was presented to, signed by the Speaker, and ordered to be sent to the President of the Council for his signature.

A "memorial to Congress for an appropriation for the construction of a harbour at the mouth of Root river on Lake Michigan;" was then read a first, second, and third time, passed, and ordered that the Council be informed.

On motion of Mr. Parkinson,

Bill No. 6, entitled, "A bill to divorce Armstead W. Floyd from his wife, Eleanor Floyd," was taken up, and read the first, second, and third time, the rule to print having been suspended.

Mr. Chance moved to adjourn.

Mr. Nowlin moved to amend the motion by inserting, "to three o'clock, P. M.;" and the question being taken on the amendment,

It was disagreed to, and the motion to adjourn was withdrawn.

Mr. Childs gave notice that he should introduce, at a future day, "a memorial to Congress asking an appropriation, either in land or money, for the improvement of Fox river."

On motion of Mr. Cox,

Resolved, That a committee be appointed to take and embody the information in relation to the Half Breed tract, for the information of this House, the better to enable the House to act advisedly, upon the bill already reported for a division or partition of said lands.

On motion of Mr. Childs,

Resolved, By the Council and House of Representatives, that the Secretary of this Territory be instructed to procure a paper seal for the use of the Supreme Court of the Territory Wisconsin, and likewise to procure proper seals for the use of the several District Courts of the said Territory.

And then the House adjourned.

Tuesday, November 21, 1837.

Mr. Teas presented the petitions of inhabitants of the county of Van Buren, praying that the county seat of said county may be permanently located.

The said petitions were referred to the following committee, viz: Messrs. Teas, Blair, Box, Chance, Jenkins, and Reynolds.

Mr. Blair presented petitions on the same subject, which were referred to the same committee.

Mr. Jenkins presented a petition for a territorial road from Burlington via Columbia, London, Mount Pleasant, and Lock Ridge.

Referred to the committee on roads and highways.

Mr. Blair presented the petitions of inhabitants of Van Buren county, praying that the eastern boundary line be removed four or six miles farther east.

Referred to Messrs. Blair, Teas, Box, Chance, Jenkins, and Reynolds.

Mr. Chance presented a remonstrance of inhabitants of Logan county against any portion of said county being attached to Van Buren county.

Referred to the committee last aforesaid.

Mr. Jenkins presented a remonstrance against changing the lines of Henry county.

Referred to the committee last aforesaid.

Mr. Jenkins presented petitions of inhabitants of Henry county, praying that the county seat of said county be established at Mount Pleasant.

Referred to the committee last aforesaid.

Mr. Teas presented petitions of inhabitants of Henry county, praying that George Smith be granted the exclusive right of keeping a ferry across Skunk river.

Referred to the judiciary committee.

The following message was received from the Council by the Secretary:

“Mr. Speaker,—The Council have passed the preamble and resolution from the House of Representatives, authorizing the Secretary of the Territory, to procure a proper seal for the use of the Territory, with an amendment to the resolution, viz: ‘And also to procure and furnish proper seals for the supreme and district courts of the Territory.’”

And then he withdrew.

Mr. Teas, from the committee on roads and highways, by leave, made the following report:

The committee on roads and highways, respectfully report, That whereas, petitions have been referred to them, and they have been instructed by resolutions praying for the location and establishment of territorial roads in various parts of this Territory, that in their opinion it is inexpedient to establish by law any more territorial roads, and ask the adoption of the following resolution:

Resolved, That the committee be discharged from the further consideration of said subject.

The report and resolution were disagreed to.

Mr. McKnight, by leave, introduced a bill No. 13, entitled “A bill to incorporate the Rochester and Des Moines Hydraulic and Manufacturing Company,” which was read the first time, and laid on the table.

Mr. Childs, agreeably to previous notice, introduced a bill

No. 14, entitled "A bill to incorporate the Wisconsin Insurance Company at Green Bay," which was read the first time, and laid on the table.

Mr. Shanley, agreeably to previous notice, introduced a bill, (No. 15,) entitled "A Bill to provide for the removal of county seats in this Territory, and for other purposes," which was read the first time and laid on the table.

Mr. McWilliams, chairman of the select committee to whom was referred so much of the Governor's message as relates to making the apportionment of representation in the several counties within the Territory, made the following report:

The select committee to which was referred that part of the Governor's Message which relates to making the "apportionment" of "representation" of the several counties within this Territory, have had the same under consideration, and have instructed me to report: That from any view of the subject which they can take, they would not be authorized in reporting any particular ratio of representation that would be satisfactory; inasmuch as that a great diversity of opinion prevails as to the number of inhabitants contained in those counties that have been organized out of the original counties, since the first census or enumeration of this Territory was taken, and from which the present apportionment of representation was made.

It was thought by some of your committee advisable to recommend the present apportionment of representation as made by the Executive for two reasons: First, that a new apportionment would not make any change in the Council, and secondly, that it would obviate the necessity of holding an adjourned session, which seems to be a necessary result growing out of the passage of a law requiring the taking the census; as, in the opinion of your committee, it would be impossible, at the present session, to pass a law requiring the sheriffs of the several counties to take such enumeration and make their returns in time for the action of the "Legislative Assembly" previous to the expiration of the time to which they are limited by the act of Congress organizing the Territorial Government of Wisconsin.

Your committee would therefore report the annexed bill (No. 16,) entitled "A bill providing for taking the second census or

enumeration of the inhabitants of the Territory of Wisconsin."

The report was accepted, and the committee discharged from any farther consideration on the subject.

Mr. McGregor, from the Judiciary Committee to which was referred so much of the Governor's Message as relates to the appointing a committee of three to revise a code of laws and submit it for the action of the Legislature, made the following report:

Your committee have given the subject referred to them that attention to which it is so justly entitled. There is no subject at the present time, occupies a greater share of public attention than the enactment of a well digested code of laws for the government of the people of this Territory. Your committee are fully sensible of the inapplicability of the laws by which the people of this territory are now governed, they being at best a crude and ill-digested system of Legislation, altogether unsuited to the condition and habits of the people, inadequate and unequal in their operation, not affording that protection and relief so essential to the prosperity and peace of a civilized community.

That it is the opinion of the committee, after a full examination of the subject, that although they highly approve of the system of appointing a committee to digest and report a code of laws for the action of this Legislature, yet they are of the opinion that it would be inexpedient under existing circumstances. The immediate wants of the people are great, and must be relieved—the peculiar situation of a great portion of the territory in relation to the laws now in force, require immediate action. The shortness of the session to which the Legislature is confined, render it impracticable, if not impossible, that a proper code could be submitted in time for the action of the session of the Legislature.

For these reasons, it is thought advisable, that the present session occupy five days in each week in enacting laws of a general nature, and one day in each week with private business. That bills be introduced and referred to appropriate committees. That both Houses at some future day choose by

joint ballot a committee of three suitable persons to digest such laws as may be enacted, and report them, together with a perfect code, to the next annual session of the Legislature.

Your committee earnestly recommend that some vigorous and decisive action should be had upon this very important subject. It is now time for action—for energetic and vigorous action. The people demand it—the welfare and prosperity of the whole territory demand it. Therefore your committee would respectfully recommend the adoption of the following resolutions:

Resolved, That this House occupy five days in each week of the present session with business of general and public nature, and one day in each week with private business.

Resolved, By the Council and House of Representatives (the Council concurring herein) that both Houses meet in the Representative Hall, on some future day, for the purpose of choosing, by joint ballot, three suitable persons to digest such laws as may be enacted, and report them, together with a perfect code, to the next annual session of the Legislature.

The report and resolutions were read, and,

On motion of Mr. Teas,

The House resolved itself into committee of the whole, Mr. Durkee in the chair, having the said report of the Judiciary committee under consideration, and, after some time spent in committee of the whole, the committee rose, (the Speaker having resumed the chair,) and reported the same without amendment.

Mr. Durkee moved the following amendment: "That the commissioners be required to report the progress they shall have made to the next session of the Legislature."

On motion of Mr. Quigley,

The report, resolutions, and amendment were laid on the table, and made the order of the day for to-morrow.

Mr. Brunson, by leave, introduced a bill (No. 17,) entitled "A bill to authorize Jean Brunet to establish a ferry across the Wisconsin river, which was laid on the table.

Mr. McWilliams, from the committee on Enrolments, reported the following memorial to be correctly enrolled, viz:

"A memorial on the subject of a division of the Territory of Wisconsin;" which was presented to, signed by the speaker, and

Ordered to be presented to the President of the Council for his signature.

Mr. Parkinson offered the following preamble and resolution, which were adopted :

Whereas, it has been asserted on this floor by a member in his place that he had been informed on good authority, that a certain company for speculative purposes, were instigating Mr. Hood of Mineral Point to memorialize Congress for redress of pretended grievances, for the purpose of increasing their individual gains; and whereas it is unknown to the committee, to whom that subject was referred, that said company exists, or that Mr. Hood is influenced by any other than correct principles—therefore,

Resolved, That said committee have power to call on said gentleman, and he is hereby required to appear before them, and give the authority upon which he founded his assertions.

On motion of Mr. Teas,

The Speaker appointed a select committee, agreeably to the resolution introduced by Mr. Cox on yesterday, "to take and embody the information in relation to the Half Breed lands," &c.; viz: Messrs. Cox, Teas, and Box.

And then the House adjourned.

Wednesday, November 22, 1837.

Mr. Reynolds presented a petition of inhabitants of the counties of Dubuque and Muscatine, praying for a new county to be set off from the said counties.

Mr. Teas moved that the petition on the same subject, intro-

duced by Mr. Engle, be now taken up, and that both petitions be referred to a select committee, to be appointed from the delegations of Dubuque and Des Moines.

The House decided to take up the said petition.

Mr. Box moved to amend the motion to refer, "that the select committee should consist of the entire delegations from Dubuque and Des Moines," which was lost.

The question was then taken on Mr. Teas' motion to refer to a select committee, and agreed to.

Messrs. Engle, M'Gregor, Teas, Reynolds, and Box, were appointed the committee.

The following message was received from the Council, by the Secretary.

"Mr. Speaker,—I am directed to present the following resolution for the concurrence of this House, which has passed the Council:

"Resolved, If the House of Representatives concur, That a joint committee be appointed by this House, to consist of five members, to take into consideration the propriety or expediency of reporting a system of county township government for this Territory, as soon as practicable: and to inform you that Messrs. Arndt, Knapp, M'Craney, Smith, and Terry have been appointed the committee on the part of the Council."

"I am, also, directed to inform you that the Council have receded from all their amendments to the rules and regulations of the Wisconsin Library, and have concurred with the House in the adoption of the same."

And then he withdrew.

Mr. Blair presented the petition of inhabitants of Des Moines and Louisa counties, praying for a new county to be set off from the said counties.

Referred to the committee to consist of the Des Moines delegation.

Mr. M'Gregor, from the select committee to whom was referred the subject of "imprisonment for debt," by leave, reported a bill, No. 18, entitled "A bill to abolish imprisonment for debt, and for other purposes," which was read the first time, and laid on the table.

Mr. Teas, by leave, introduced the following bill, No. 19, entitled "A bill to provide for the assessment and collection of county taxes," which was read the first time, and laid on the table.

Mr. Childs moved to commit the bill to the Judiciary Committee.

Mr. Cox moved to amend the motion by striking out the "Judiciary Committee," and inserting "select committee."

The amendment was accepted, and it was referred to Messrs. Cox, Childs, and M'Gregor.

Mr. Quigley, from the committee on schools, to whom was referred the memorial of John Loofborrow, John G. Hulet, and James M'Gee, praying the right of preference to the occupancy of the north-west quarter of section 16, in township 4, north range, 3 east, and praying this body may pass a law granting to them such preference, made report: That according to an act of Congress passed as early as 1804, for dividing the territory north-west of the Ohio, and east of the river Mississippi into three land districts, and providing for the survey and sale of said territory, and reserving from sale the sixteenth section for school purposes. That act, however, nowhere gives to the legislative body of that territory any authority to legislate upon, or in any wise lease or dispose of the sixteenth section, or any other portion of the public lands; and the act creating the territory of Michigan, provides that it shall be governed in all respects according to the provisions of the aforesaid act, subject to all the restrictions and reservations therein mentioned.

And further, your committee is of opinion that the sixth section of the organic act prohibits the Legislature of this territory from interfering in any way with the primary disposal of the soil. Your committee would, however, respectfully suggest to your honourable body that, as the sixteenth section in the aforesaid district has been reserved for sale for the use of schools, and that it has always been the practice of the general government to give to the states and territories the right to every sixteenth section within their limits, for the benefit of common schools, it is therefore the opinion of your committee, that wherever the sixteenth section has been reserved for the use of schools, the same should

be protected from trespass and waste. Your committee would, therefore, submit the following resolution:

Resolved, That the several district courts within this territory, shall, at each and every term of their respective courts, give in charge to the grand jury of each and every county in which school lands are reserved, requiring them to present all trespassers on the sixteenth section that may come within their knowledge, that they may be proceeded against according to the laws of the United States.

The report of the committee was agreed to, and the resolution was passed.

On motion of Mr. Box, the following preamble and resolution were called up:

Inasmuch as there has been great dissatisfaction manifested by the people of the west side of the Mississippi river, concerning the territorial road that was created by the last session of the Legislature of this territory, therefore be it

Resolved, That a territorial road be laid out, commencing on the north bank of the Des Moines river, on the line dividing the state of Missouri and this territory, opposite to St. Francisville; thence on the nearest and best route to Dubuque; thence on the nearest and best route to Cassville; thence on the nearest and best route to the seat of government of this territory; and that the committee on internal improvements be instructed to memorialize Congress, asking for a sufficient sum of money to lay out and build said road.

Mr. Chance moved to lay the preamble and resolution on the table until the first of March next.

Mr. McGregor offered the following amendment to the resolution:—"Starting at the most proper point on the Des Moines river, thence the nearest and best route to the Mississippi, opposite Prairie du Chien."

The Speaker decided the amendment to be in order, as it might render the resolution less objectionable to the House.

The question was then taken on the amendment, and it was lost.

The question was then taken on the motion to lay on the table, and it was lost.

The question then recurred upon the adoption of the resolution, and passed in the negative.

The ayes and noes being called for, were as follows:

Ayes—Messrs. Blair, Box, Cox, Jenkins, M'Knight, Parkinson, and Shanley,—7.

Nays—Messrs. Boyls, Brunson, Brunet, Childs, Chance, Durkee, M'Gregor, M'Williams, Nowlin, Quigley, Reynolds, Smith, Teas, Wheeler, Leffler, speaker,—15.

The following resolutions, being the special order of the day, were now considered:

Resolved, That this House occupy five days in each week of the present session with business of a general and public nature, and one day in each week with private business.

Resolved, By the Council and House of Representatives, (the Council concurring herein,) That both Houses meet in the representative Hall, on some future day, for the purpose of choosing by joint ballot three suitable persons, to digest such laws as may be enacted, and report them, together with a perfect code, to the next annual session of the Legislature.—The amendment offered by Mr. Durkee, on yesterday, was first considered, viz:

“That the commissioners be required to report the progress they shall have made to the next session of the Legislature.”

Mr. Quigley offered the following resolution as a substitute;

Resolved, That the judges of the Supreme Court of this Territory will at each and every session of the Legislature of Wisconsin Territory, recommend such laws and such amendment of the laws, as they or a majority of them may think fit and proper for the government of the good people of this Territory.

The question was taken on the adoption of the substitute, and decided in the negative.

Mr. Childs moved to adjourn.

The motion to adjourn was lost.

On motion of Mr. Quigley, the question was severed, and that part of the resolution which requires three persons to be appointed, &c., was decided to be first put.

The previous question was then called for, and it being taken, was decided in the affirmative.

The yeas and nays were called for, and were as follow:

Yeas,—Messrs. Box, Boyls, Brunson, Brunt, Childs, Chance, Cox, Durkee, M'Gregor, M'Knight, M'Williams, Nowlin, Parkinson, Reynolds, Smith, Shanley, Teas, Wheeler, Leffler, Speaker,—19.

Nay—Mr. Quigley.

Mr. Teas moved to adjourn. Lost.

Mr. Durkee withdrew his amendment, offered yesterday, and substituted the following: "Or such progress as they shall have made to any intervening session of the Legislature."

The question was then taken on Mr. Durkee's amendment, and it was adopted.

Mr. Teas offered the following amendment: after the word persons, insert "being members of the one or the other, or both branches of this Legislative Assembly."

The Speaker decided the amendment to be out of order.

The question was then taken on the latter clause of the resolution, as amended, and it was adopted.

Mr. Cox now moved the substitute offered by Mr. Quigley be adopted, as an additional resolution;

And the question being taken, it was decided in the negative.

The question was then put, "Shall the House agree to the resolutions of the committee, as amended," and they were agreed to.

Ordered that the Council be requested to concur.

The following message was received from the Council by the Secretary:

Mr. Speaker—The Council has passed a memorial and bill of the following titles, viz:

"A memorial to Congress praying the right of pre-emption may be granted to the occupiers of mineral lands." Bill No. 8, "A bill to locate and establish a territorial road from Fort Howard to Fort Winnebago, on the west side of Fox river, and for other purposes."

In which the concurrence of the House is requested.

And then he withdrew.

Mr. M'Williams presented the following, to wit: "A me-

memorial for the construction of a harbour at the mouth of Milwaukee river," as having been approved by the Governor on yesterday.

On motion of Mr. Childs,
The House adjourned.

Thursday, November 23, 1837.

The House was called to order, and a quorum not being present, absent members were sent for.

A quorum appearing, the House proceeded to business.

On motion of Mr. Teas,

Ordered that every Tuesday of each week be set apart for private business, agreeably to a resolution passed yesterday.

Mr. Teas presented the petitions of Lucinda Jones and Martha Newton, each praying for divorce.

Referred to a select committee, consisting of Messrs. Teas, Brunson, Chance, Wheeler, and Smith.

Mr. Durkee presented a petition of the inhabitants of South Port, praying that a memorial from the Legislature to Congress be made on the subject of a special pre-emption law for said citizens, for the purpose of building a harbour at that place.

Referred to the committee on internal improvement.

Mr. Parkinson introduced a bill, (No. 20,) entitled "a bill to locate the seat of justice of Green county, and for other purposes;" which was read the second time, and

On motion of Mr. Boyls, laid on the table.

On motion of Mr. M'Williams,

Resolved, That the several officers of this House be assigned to their appropriate seats, to be occupied by them, whenever

within the bar of the House, as far as their official duties will permit of the same.

On motion of Mr. Teas,

Resolved, That a committee of three be appointed to memorialize the Congress of the United States, asking the passage of a law to secure the right of pre-emption to all such persons as have constructed mills on the public lands, to so much land, as will secure their seats, privileges, &c. Messrs. Teas, M'Williams, and Nowlin were appointed the committee.

By Mr. M'Gregor, from the judiciary committee, reported a bill, (No. 21,) entitled "A bill to subject real and personal estate to execution, and for other purposes," which was read the first time, and laid on the table.

Mr. Parkinson, from the committee to which was recommended the memorial in favour of John Hood, again reported said memorial, which was read the second and third time, and passed.

Ordered to be sent to the Council for concurrence.

The said memorial is as follows:

To the Honourable, the Senate, and House of Representatives of the United States.

A memorial of the Council and House of Representatives of the Territory of Wisconsin, respectfully represents that John Hood, of Iowa county, in this Territory, did apply for the purchase of the south-east quarter of section No. 31, in township No. 5, north, range No. 3, east of the fourth principal meridian in the "Wisconsin Land District," by virtue of a right of pre-emption granted to settlers upon the public lands, previous to the 19th of June, 1834, made the necessary proof, tendered his money, and submitted the same to the register and receiver of the land office, at Mineral Point, who decided, contrary to law, and without the authority of the Commissioners of the General Land Office, that the aforesaid tract was mineral ground, and therefore not subject to entry.

And they would further represent that the said John Hood could not enter the land by virtue of his right of pre-emption, although he, the said John Hood, did prove that he had cultivated and occupied the same, as required by law, granting the

right of pre-emption. And they would further represent that the said John Hood has resided for the last ten years upon said quarter section of land, and that he has a large family in indigent circumstances, and by thus taking away his property, he has been, to a great extent, deprived of the means of support that they ought to have.

And they would further represent, that in all probability the said Hood would not have been debarred of his right if the land for which he applied had not been the same on which the town of Mineral Point now stands, and which has since by law been given to the inhabitants thereof, which conclusively shows that the decision of the land officers was not in accordance with the views of Congress.

Wherefore, in consideration of the loss sustained by said Hood, who with his family have undergone all the privations incident to the settlement of a new country, and that by circumstances not within his control, by a misconception of the law by the officers of government, has been deprived of his right.

Your memorialists, therefore, ask your Honourable body to pass an act for the relief of said John Hood, by granting him at least one section of land, to be located on any unoccupied lands in the Territory of Wisconsin, or its equivalent in money, which would be a very small compensation for the loss he has sustained in consequence of being deprived of his right as above stated.

Nothing in this memorial shall be considered as reflecting upon the character of the register and receiver, at the said Land Office at Mineral Point.

The following message was received from the Council by their Secretary:

Mr. Speaker, I am directed to present for your signature "a memorial to Congress for an appropriation for the construction of a harbour at the mouth of Root river on Lake Michigan," and to return "a memorial on the subject of a division of the Territory of Wisconsin," sent from the House of Representatives this morning, with the signature of the President of the Council thereto.

The Council have passed bill No. 4, entitled "A bill to provide for changing the venue in civil and criminal cases," in which the House of Representatives is requested to concur.

And then he withdrew.

Mr. M'Williams called up bill (No. 16,) entitled "A bill for taking the second census or enumeration of the inhabitants of the Territory of Wisconsin," which was read the first time, and laid on the table.

The House then proceeded to consider the messages and communications on the Speaker's table, sent from the Council for their concurrence.

The following resolution was taken up:

Resolved, That the Council and House of Representatives of this Territory concur in the resolution of the Senate and House of Representatives of the Commonwealth of Massachusetts, recommending the extension of the franking privilege to the Governors, Secretaries, and Chief Clerks of both branches of the several state legislatures, and that our Delegate in Congress be instructed to procure the passage of a law to that effect, including the same officers in the different Territories of the United States.

Mr. M'Gregor moved to amend the resolution by striking out the word "instructed," and inserting the word "requested," and the question being taken on the amendment, it was lost.

The question was then taken on concurring in the resolution as passed by the Council, and

It was concurred in.

The following preamble and resolution then came up, and were passed.

Whereas, from the account rendered by John S. Horner, Esq., late Secretary of this Territory, corroborated by a statement of the present Secretary, there appears to remain an unexpended balance of two hundred and fifty dollars of the appropriation made by the Legislative Council at their last session for rent of office, furniture, &c.: Therefore,

Resolved, by the Council, and House of Representatives of this Territory, that the present Secretary of the Territory is hereby authorized to expend the aforesaid unexpended balance

of two hundred and fifty dollars for the use, and purposes expressed in the act of appropriation.

Mr. Childs introduced the following memorial, to wit:

To the Honourable, the Senate, and House of Representatives of the United States, in Congress assembled—

The memorial of the Council, and House of Representatives of the Territory of Wisconsin, adopted at their second session, respectfully represents,

That the citizens of this Territory on the west side of Lake Michigan, for the whole distance, are without any convenient means of travelling to and from the extreme points of this lake during the winter season; that for one half of the year persons are dependent upon conveyance by land in this section of the country; and that the towns now rapidly increasing in population, loudly demand of the government, that some appropriation be made at the present session of Congress for the construction of the road surveyed by Lieut. Center under instructions from the war department in 1834; your memorialists would refer to the delay and exorbitant expense attending a removal of troops from St. Dearborn (Chicago) to Fort Howard (Green Bay) the last winter, to sustain their belief that this work is of great importance to the general government, and to Eastern Wisconsin. Your memorialists therefore pray that Congress will allow the interests of this portion of the Territory to be considered at its present session; and that thirty thousand dollars may be appropriated for the construction of this road.

Said memorial was then read the first, second, and third times, passed, and

Ordered to be sent to the Council for concurrence.

The following resolution and amendment by the Council were taken up.

Whereas, it is important that a proper seal, indicating the various and peculiar interests of the Territory of Wisconsin should be procured for the use of said Territory, and whereas a temporary seal not answering these purposes has heretofore been used: Therefore be it

Resolved, By the Legislative Assembly of the Territory of

Wisconsin, That the Secretary of the Territory be and is hereby authorized to procure such seal with as little delay as possible.

Amendment made by the Council.

"And also to procure and furnish proper seals for the supreme and district courts of the Territory."

The amendment was concurred in, and the Council ordered to be informed.

The resolution respecting the publication of the laws in several of the papers in this Territory then came up, and

On motion, was laid on the table.

The following resolution from the Council, was then concurred in.

Resolved, If the House of Representatives concur, that a joint committee be appointed by this House, to consist of five members, to take into consideration the propriety or expediency of reporting a system of county and township government for this Territory, as soon as practicable.

Messrs. Durkee, Sholes, Parkinson, Chance, and Quigley, were appointed the committee on the part of the House.

The following bills from the Council were taken up and severally read the first time, and laid on the table.

No. 1, C. F. entitled "A bill to locate and establish a territorial road from the town of Milwaukee to Janesville.

No. 5, C. F. entitled "A bill regulating and defining the extent of the right of possession on lands belonging to the Government of the United States, and for other purposes.

No. 6, C. F. entitled "A bill to legalize and make valid the records of deeds and other conveyances, of the county of Brown."

No. 8, C. F. entitled "A bill to locate and establish a territorial road from Fort Howard to Fort Winnebago on the West side of Fox river, and for other purposes."

The following memorial was then taken up, viz: "A memorial to Congress, praying that the right of pre-emption may be granted to the occupiers of mineral lands," and read the first, second, and third times, and passed.

Ordered, that the Council be informed.

A bill, (No. 2,) entitled "A bill to locate and establish a territorial road from the town of White Oak Springs, in Iowa county, to the town of Madison, in the county of Dane, was,

On motion of Mr. Parkinson, recommitted to the select committee, by whom it was reported.

The undermentioned bills were severally read the second time, and laid on the table, viz:

No 5, entitled "A bill to define the extent of possession in cases of settlement on the public lands, and to define the amount of improvement requisite to constitute a settlement."

No. 7, entitled "A bill to prevent forcible entry and detainer."

No. 11, entitled "A bill to authorize and require the board of supervisors of the county of Crawford, to build a bridge, &c."

On motion of Mr. Nowlin,

The House adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

On motion of Mr. Teas,

The House resolved itself into committee of the whole, having bill No. 7, entitled "a bill to prevent forcible entry and detainer," under consideration, Mr. M'Williams in the chair.

After some time the committee rose, reported progress, and asked leave to sit again.

On motion of Mr. Cox,

The bill was committed to a select committee, consisting of Messrs. Cox, M'Gregor, Teas, Quigley, and Brunson.

Mr. Parkinson gave notice that he would introduce a bill at a future day, for the construction of a harbour at the mouth of the Twin Rivers.

Mr. Box gave notice that he would, at a future day introduce "a bill to try the right of property."

Mr. Teas gave notice, that at some future day he would ask leave to bring in a bill concerning promissory notes, due bills, bills of exchange, bonds, &c.—to regulate the interest on money.

The House adjourned,

Friday, November 24, 1837.

On motion of Mr. Parkinson,

Leave of absence was granted to the messenger of this House, until Monday next.

Mr. Reynolds presented petitions of inhabitants of Muscatine county, on the subject of changing the lines of said county.

Referred to the same committee to which were referred previous petitions on the same subject, viz:

Messrs. Engle, M'Gregor, Reynolds, Teas, and Box.

On motion of Mr. Shanley,

Resolved, That a select committee of three be instructed to procure the necessary convenience for placing the hats and cloaks of the members of this House, and also to have a stove erected outside of the bar, and the floor from the door to the bar covered with mats or a carpet.

Messrs. Shanley, Quigley, and Brunet, were appointed the committee.

On motion of Mr. Chance,

Resolved, That a select committee be appointed to memorialize Congress for the sum of ten thousand dollars, for the opening of a territorial road west of the Mississippi river.

Messrs. Chance, Wheeler, Reynolds, Nowlin, and Box, were appointed the committee.

Mr. Nowlin, agreeably to previous notice, introduced

A bill, No. 22, entitled "A bill to punish gambling."

Mr. Boyls offered the following preamble and resolution:

Whereas, a general training of the militia of this territory is attended with great inconvenience, and arbitrary and useless expenses incurred in court martials, to the farming and mechanical portion of our citizens, without a corresponding benefit, therefore,

Resolved, That trainings and musters, except so far as regards commissioned officers, are inexpedient, excepting in cases of emergency, when it shall be competent for the commander

in chief to call out such portions of the militia as he may deem advisable, to train or rendezvous at any given point, and that all militia musters be confined to company trainings only, within the bounds of such company.

On motion of Mr. Teas,

The resolution was laid on the table.

Mr. Shanley gave notice that he would, at a future day, bring in a bill to prevent Sabbath-breaking.

Mr. Quigley gave notice that he would, at a future day, introduce a bill to amend the laws of this territory, respecting the provisions made for the poor.

Mr. Teas, from the select committee to which were referred the petitions of Martha Newton and Lucinda Jones, made the following report, which was read and adopted:

"The select committee, to which the petition of Martha Newton, praying for the passage of an act to divorce her from her husband, John C. Newton; and the petition of Lucinda Jones, praying for a divorce from her husband, Abraham Jones, were referred, respectfully report, That they have had the same under consideration, and that, in their opinion, the laws now in force in this territory, make sufficient provision for all the purposes called for in said petitions, and deem it inexpedient to interfere by legislative action, with the powers and duties assigned by law to the judicial tribunal of this territory. They, therefore, ask leave to be discharged from the further consideration of the subject.

Mr. Parkinson, agreeably to previous notice, introduced a bill (No. 23) entitled "A bill to authorize the supervisors of Iowa county to borrow money for the erection of a court house and jail; which was read the first time, and laid on the table.

Mr. Teas, agreeably to previous notice, introduced a bill, (No. 24,) entitled, "A bill concerning promissory notes, due bills, bills of exchange, &c., and to regulate the interest on money," which was read the first time and laid on the table.

Mr. Childs, by leave, presented a memorial for the construction of a harbour at the mouth of Twin rivers, which was read the first, second, and third times, and passed. Ordered to be sent to the Council for concurrence.

On motion of Mr. Brunson,

Resolved, That a standing committee be appointed by this House, to be called the committee on engrossment.

Messrs. Brunson, Wheeler, and Smith, were appointed the committee.

Mr. Parkinson gave notice that he would, at some future day, bring in a bill to build bridges across the Picatolica river.

Bill (No. 17) entitled, "A bill to authorize Jean Brunet to establish a ferry across the Wisconsin river," was then read the first time and laid on the table.

The House then proceeded to take up bill No. 4, (Council file,) entitled, "A bill to provide for changing the venue in civil and criminal cases," which was read the first time and laid on the table.

On motion of Mr. Parkinson, the House resolved itself into committee of the whole, having bill No. 6, entitled, "A bill to divorce Armstead W. Floyd, from his wife, Eleanor Floyd," under consideration, Mr. Smith in the chair. After a short time the committee rose, and reported the bill without amendment.

The question was then taken, "Shall the bill be engrossed and read a third time?" and passed in the negative.

On motion of Mr. Durkee, the House went into committee of the whole, having bill No. 11, entitled, "A bill to authorize and require the board of supervisors of the county of Crawford to levy a series of taxes, and to defray the expense of building a bridge across the Marrais of St. Friele, in said county," under consideration, Mr. Parkinson in the chair.

After some time the committee rose and reported the bill without amendment.

The bill was then ordered to be engrossed for a third reading.

On motion of Mr. Chance,

Resolved, That the committee on the judiciary, in conjunction with the judiciary committee of the Council, be instructed to take up the statute laws of Michigan, and adopt such acts as they may deem proper for the consideration of this House.

Mr. Childs announced to the House that William Stirling, one of the transcribing clerks of this House, had resigned his office therein.

On motion of Mr. Childs,

The House proceeded to elect a transcribing clerk to fill the vacancy occasioned by the said resignation, and Philip S. Dade was declared to be duly elected.

Mr. Dade appeared, and was sworn.

Mr. Nowlin gave notice that, at a future day, he should introduce a bill to amend an act providing for the assessment and collection of territorial taxes.

The following message was received from the Council by their Secretary:

“Mr. Speaker—I am instructed to inform you that the Council have adopted the memorial from the House of Representatives, entitled, ‘A memorial on the subject of an appropriation to make the United States’ road from Chicago to Green Bay, Wisconsin Territory,’ with an amendment, viz: Strike out ‘twenty,’ and insert ‘thirty’ in lieu thereof.”

And then he withdrew.

The House then proceeded to consider the communication just received, and the amendment made by the Council to the said memorial was concurred in.

Ordered, That the Council be informed.

Mr. Wheeler gave notice, that at a future day, he would introduce a bill to grant to James P. Cox and Justus Persons, the exclusive right of keeping a ferry across the Mississippi and Grant rivers.

On motion of Mr. Nowlin,

The House adjourned until 3 o’clock, P. M.

3 O’CLOCK, P. M.

The Speaker stated that he had received a petition of inhabitants of Milwaukee, praying that an act may be passed to incorporate a company to construct a canal from Lake Michigan to Rock river.

On motion of Mr. Childs,

It was referred to the committee on corporations.

The Speaker informed the House that Mr. W. C. Rice had drafted ten maps agreeably to the orders of the House, and he now submitted them for inspection.

Mr. Durkee presented the petition of the corporation of Milwaukee, praying for an act to authorize them to borrow money for the purpose of making improvements in said town.

Referred to the committee on corporations.

Mr. Parkinson, from the committee to which was committed bill No. 2, entitled "A bill to locate and establish a territorial road east of the Mississippi river," reported said bill with amendments.

The bill was read the first time, and laid on the table.

On motion of Mr. Childs,

Resolved, That the door keepers of this House be instructed to close and lock the doors of this House at half past 9 o'clock, P. M. unless otherwise instructed by said House.

The House adjourned until 10 o'clock, A. M. on Monday next.

Monday, November 27, 1837.

The House was called to order, and a quorum not being present, absent members were sent for.

A quorum appearing, the House proceeded to business.

Mr. Parkinson presented a petition of inhabitants of Iowa county, praying that certain townships be attached to Green county.

Referred to the same committee, to which were referred previous petitions on the same subject.

Mr. Engle presented the petition of James Blake and 300 others, praying for the location of a Territorial road from Wapello to Dubuque, through the cedar country, and documents and commissioners' report in relation thereto.

Referred to a select committee, consisting of Messrs. Engle, Reynolds, McGregor, Box, and Nowlin.

Mr. Sheldon presented the petitions of inhabitants of Mil-

waukee and Jefferson counties, praying for the construction of a canal from Milwaukee to Rock river.

Referred to the committee on corporations.

Mr. Wheeler presented the petition of inhabitants of Dubuque county, praying for the organization of a new county.

Referred to a select committee, consisting of the Dubuque delegation.

Mr. Parkinson asked leave to withdraw the petition of A. W. Floyd, for a divorce, and their papers in relation thereto.

Leave was granted.

Mr. Sheldon, chairman of the select committee appointed to investigate the condition of the several banks in this Territory, made the following report, which was read, and

On motion of Mr. Quigley, fifty copies were ordered to be printed.

REPORT

Of the Committee appointed to examine into the Condition of the Banks of the Territory.

The Select committee appointed under a resolution of the House of the 16th of November, 1837, to inquire into the actual condition of the different banks having charters of incorporation in this Territory, beg leave to make the following Report:

The committee, immediately upon their appointment, proceeded to the discharge of the duty assigned to them by the resolution. In consequence of an excitement existing to some extent in the public mind in regard to "the Miner's Bank of Dubuque," created by the propagation of *rumors* calculated to affect injuriously the interests of the public and of the institution, and in consequence of the absence of the proper officers from whom the committee might expect to receive the necessary information concerning the actual condition of the Bank, they deemed it necessary, in accordance with the power vested in them by the resolution, to visit said Bank in person. The committee, in adopting this course, were actuated by the additional motive of affording an opportunity to the citizens of the town where the bank is located, of stating to the commit-

tee such facts as might be in their possession concerning the character, management, and operation of the institution.

The committee on their arrival addressed interrogatories in writing, directed to the President or Cashier of the Miner's Bank of Dubuque, (see document attached to this report marked A.) The President of the bank being absent, the Cashier, G. D. Dillon, Esq. returned answers under oath to the questions of the committee, (see document marked B.) From an examination of these it will be seen that \$100,000 of capital stock has been actually paid in; of which \$41,147 was paid in specie, and the balance in the notes of various banks of New York, Pennsylvania, Illinois, Wisconsin, and Michigan—that the actual amount of specie now on hand is \$42,118—that the amount of bills in circulation is \$11,435, of which \$2,000 are payable on demand, and \$9,435 twelve months after date—that the amount of individual deposits is \$3,043—that the amount of debts due the bank from all persons and corporations is \$57,321—that the amount of bills of other banks in their possession is \$12,177—that the amount of real estate held by the bank is \$950—that no director of the institution is indebted to it in a sum larger than that prescribed by the charter—that the payment of specie for their bills has never been refused when demanded at the counter—that the bank commenced its discounts on the 31st day of October last, and that those discounts have been made partly in bills of other banks and partly those of her own, some of which were payable at sight, and some twelve months after date.

The committee were satisfied with the answers of the cashier to the questions propounded to him, and did not deem it within the proper scope of their authority to inspect the books of the Bank or to count the money, although every facility for that purpose was offered to them by the cashier. The committee remained in Dubuque about 28 hours, during which time no person appeared before them to make any complaints or offer any testimony pro or con, concerning the transactions of the institution. From the investigation which the committee have had, and from the facts which have come to their knowledge, they express the unanimous opinion that the Miner's Bank of Dubuque is in a sound and solvent condition; and they express the opinion

also (one of their number dissenting) that the requisitions of the charter have been complied with, although notes have been issued payable twelve months after date, and 7 per cent. charged in advance for loans made in bills of this character, because, however much the majority of the committee may doubt the propriety of such issues, they cannot look upon loans so made as of a usurious character, or infractions of any of the provisions of the charter.

The committee, in investigating the matters submitted to them under the resolution, so far as relates to the Bank of Mineral Point, addressed interrogatories to Col. William S. Hamilton, one of the commissioners appointed by the act of incorporation to receive subscriptions to the stock of said Bank, (see document marked C.) to which answers under oath were returned. (see document marked D.) They have also addressed interrogatories to E. Brigham, Esq. one of the present directors of the institution, (see document marked E.) to which an answer in writing was returned, (see document marked F.) It appears from the statement of Col. Hamilton, submitted and referred to, that the books for receiving subscriptions to the Bank of Mineral Point were kept open six days according to the charter; that at the end of those six days about twelve hundred shares were subscribed for, leaving a deficiency of eight hundred shares; that some days afterwards subscriptions were offered and received by the commissioners, for an amount of stock exceeding said deficiency, and that the commissioners divided the stock among the several subscribers in equal proportions, according to the amount subscribed by each.

It also appears that the first instalment was not all paid in specie at the time of subscribing, but that only two thousand dollars were so paid.

The same statement shows that after the stock was all subscribed, and the first instalment paid, the commissioners proceeded to give notice according to the form prescribed in the charter, requiring four instalments of ten per cent. each, on four several days specified in the notice, and a notice for the election of directors on the same day that the second instalment was required to be paid. The commissioners met on the day

appointed, and declared the places of John Atchinson and Garret V. Denniston, two of the commissioners named in the act of incorporation, were vacated, inasmuch as neither of those gentlemen had subscribed for stock, and they accordingly elected James D. Doty and Henry Stringham to supply the declared vacancies. The board of commissioners thus constituted, then allowed the stockholders to elect directors, after which the duties of the commissioners ceased.

The committee are not enabled to state what amount of capital stock is actually paid in, although the question was directly propounded to one of the directors.

Upon this statement of facts the committee express the opinion that the commissioners have proceeded contrary to the directions of the charter in three several particulars.

1st. It was contrary to the provisions of the charter for the commissioners to permit, after the expiration of the six days, an amount of stock to be subscribed for more than sufficient to make up the deficiency.

2d. It is an express provision of the charter that one tenth of the amount of each share should be paid to the directors in specie at the time of subscribing, and it was an evident breach of that provision to permit any stock to be subscribed for, without exacting the payment in gold and silver of one tenth of the amount of each share at the time of subscribing.

3d. The committee are of opinion that the places of John Atchinson and Garret V. Denniston were not vacated in consequence of those gentlemen not having subscribed for stock, and that the substitution by the commissioners of James D. Doty and Henry Stringham was illegal and a violation of the charter.

For the purpose of examining into the condition and affairs of the Bank of Wisconsin, the committee addressed a series of questions to Henry Stringham, cashier of that institution, (see document marked G) to which answers in writing, under oath, were returned. (See document marked H.) The facts elicited by the answers to those queries show, that the amount of capital actually paid in, is \$19,625; that the amount of specie on hand is \$41,376 38-100; that the amount of bills of other banks on hand, is \$15,255; the amount of debts due from other

banks is \$45,908 52 cents; and from individuals \$95,355 70 cents: that the amount of deposits is \$37,873 31 cents; that the amount of bills in circulation is \$139,363; and the amount of real estate owned by the bank (including furniture) is \$2,229 88 cents. The answers of Mr. Stringham show, further, that he knows of no demand having been made upon the Bank of Wisconsin, for specie, which has not been paid. It appears from the 8th section of the act of incorporation of the Bank of Wisconsin, "that the total amount of debts which the said corporation shall at any time owe, whether by bond, bill, note, or other contract, over and above the specie then actually deposited in the bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the said bank." The amount of capital stock actually paid in is \$19,625; three times this amount would be \$58,875, which added to the specie on hand (\$41,376 38 cents) would be \$100,251 38 cents. The amount of bills in circulation is \$139,363, showing an excess of issues over the amount limited by the charter, of \$39,111 62 cents. It also appears from the same section of the charter, that in case of such excess the directors under whose administration it shall happen, shall be liable for the same in their separate and private capacities, but whether it forms a ground for legislative action, the committee will not undertake to decide.

From the general tenor of the facts elicited by the examination of the Bank of Wisconsin, the committee unite in expressing the opinion that the institution is in a sound and solvent condition.

The Bank of Milwaukee has not yet gone into operation. By reference to documents marked I and J it will be perceived that the books for receiving subscriptions have been opened, and that less than one-fourth of the whole stock has, as yet, been taken.

The committee respectfully submit the result of their investigation to the House for such action as may be deemed proper and expedient.

W. B. SHELDON, Chairman,

P. H. ENGLE,

CHAS. C. SHOLES,

} Committee, H. R.

(See Appendix "No. 2," for the documents referred to in the foregoing report.)

The question was then taken to discharge the committee from any farther consideration of the subject, and lost.

A message was received from his Excellency the Governor, informing the House that he had examined and approved "a memorial to Congress on the subject of public lands."

Mr. Durkee introduced the following memorial, to wit:

To the Senate and House of Representatives of the United States in Congress assembled;

A memorial of the Council and House of Representatives of the Territory of Wisconsin:

Respectfully represents—That, being deeply sensible that one of the prominent features of our Federal Government is to lend every possible aid, consistent with its financial and constitutional limits, for the promotion of agriculture, trade, and commerce, and that we have only to make known the real wants of our country, to secure the particular attention of your honourable body in providing means of redress. Entertaining these views, your memorialists approach with great confidence in bringing to your special notice the town of South Port, situated on the west side of Lake Michigan, at the mouth of Pike creek, in the county of Racine, and Territory of Wisconsin, a point claiming your particular attention, in devising some means for the protection of the rapidly increasing commerce of the great western lakes. The well known facts, that this point presents the first opportunity for the construction of a harbour on the west side of Lake Michigan, north of Chicago, a distance of fifty-five miles, and its contiguity to that section of country, that has almost become proverbial for the richness of its soil and the salubrity of its climate, and is already quite densely populated, are truths that seem to give some idea of the importance to which this town is destined in a commercial point of view, the citizens of South Port and its vicinity have petitioned the Legislature of this Territory to memorialize your honourable body to grant them a pre-emption right to said town, and also a pre-emption to the settlers on the adjoining quarter sections that may be embraced in a distance of two

miles on the lake, where the town of South Port is situated, and one and a half mile west besides the fractions on the lake, upon the following terms, that commissioners be appointed by the President of the United States to divide the land in said town into three classes, and the price to be fixed per acre at one hundred and fifty dollars in the first class; one hundred in the second, and fifty in the third class. The adjoining quarter section to be classed in like manner, and the price per acre for the first to be fifteen dollars, the second ten dollars per acre, and the third five dollars per acre. The proceeds of this land at their several prices will amount to something like thirty thousand dollars, which said petitioners ask to be appropriated in the construction of a harbour at the south mouth of Pike creek in the town of South Port, agreeably to some plan that shall be suggested by the war department. The report of the survey made last summer under the direction of this department will show the practicability of this improvement. The benefits arising from the execution of this project would be of a two-fold character; that while it protects the numerous settlers asking for this pre-emption right, in securing to them the valuable improvements they have already made in the erection of buildings, and cultivation of the soil, at the same time greatly subserves the public interest, and gives a new impulse to the commerce and trade of these inland seas. Your memorialists deem it unnecessary to dwell upon the multiplied advantages that would result from the construction of a harbour at this place, or to trespass upon your indulgence in detailing the shipwrecks, which have been attended with the loss of many valuable lives, and much property the two preceding years, which have become memorable for these melancholy events, as they are confident that every consideration of this kind will have its proper influence in your deliberations upon this subject.

Your memorialists, in closing this communication to your honourable body, would beg leave to remark that they cannot but indulge the greatest assurance that you will most cheerfully avail yourselves of this opportunity in constructing a harbour at South Port.

Said memorial was then read the first, second, and third times, and passed.

Ordered to be sent to the Council for concurrence.

The under mentioned bills were severally introduced agreeably to previous notice, read the first time, and laid on the table.

By Mr. Parkinson. No. 25, entitled "A bill to authorize the Supervisors of Iowa county to build bridges, and for other purposes."

By Mr. Quigley. No. 26, entitled "A bill for the relief of the poor."

By Mr. M'Gregor. No. 27, entitled "A bill to locate and establish a territorial road from Davenport to John Gilbert's, on the Iowa river."

By Mr. Wheeler. No. 28, entitled "A bill to establish a ferry across the Mississippi and Grant rivers."

Mr. Teas, agreeably to previous notice, presented a memorial, entitled "A memorial to Congress for pre-emption right to those persons who have built mills on the public lands," which was read the first and second time, and

On motion of Mr. Engle, was indefinitely postponed.

The following message was received from the Council by their Secretary.

"Mr. Speaker,—I am directed to present for your signature, 'A memorial to Congress, praying the right of pre-emption may be granted to the occupiers of mineral lands;' 'A resolution relating to the franking privilege;' and 'A resolution authorizing the Secretary to expend the unexpended balance appropriated for the use of the late Secretary for rent of office and furniture;' and to inform you that the Council have concurred in the report and resolution from the House of Representatives in relation to the Missouri boundary line, which is herewith returned;" and then he withdrew.

The said memorial and resolutions were then presented to, signed by the Speaker, and ordered to be returned to the President of the Council for his signature.

Mr. Cox, from the select committee, to which was committed bill No. 7, entitled "A bill to prevent forcible entry and de-

tainer," reported said bill with amendments; which was read a first time.

On motion of Mr. McGregor,

Ordered that the rule requiring all bills to be printed, on being read a first time, be suspended with reference to said bill, which was then read the second time.

On motion of Mr. McGregor,

The House resolved itself into committee of the whole, having the said bill, No. 7, under consideration. Mr. Durkee in the chair. After a short time, the committee rose and reported the said bill without amendment. The bill was then ordered to be engrossed for a third reading.

Mr. Shanley gave notice, that he would at a future day bring in a bill to regulate weights and measures.

On motion of Mr. Quigley,

The House went into committee of the whole, having bill No. 1 under consideration, entitled "A bill to provide for the appointing of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings." Mr. Teas in the chair.

After some time spent in consideration of said bill, the committee rose and reported the progress made therein, and asked leave to sit again.

Leave was granted.

On motion of Mr. Cox,

The House adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

On motion of Mr. Shanley, the House resolved itself into committee of the whole, having bill No. 1 under consideration, entitled "A bill to provide for the appointing of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings." Mr. Teas in the chair.

After some time spent in the consideration of said bill, the committee rose, reported the progress made therein, and asked leave to sit again.

Leave was granted.

Mr. Childs, agreeably to previous notice, introduced a bill (No. 29,) entitled "A bill to locate and establish a Territorial road from Fort Howard to Fort Winnebago, and for other purposes," which was read the first time, and laid on the table.

The House adjourned.

Tuesday, November 28, 1837.

Mr. Engle presented the petition of Mrs. Mary M'Arthur, praying for divorce.

Referred to a select committee, consisting of Messrs. Engle, M'Knight, Parkinson, Shanley, and Cox.

Mr. M'Gregor presented the petition of inhabitants of Davenport and its vicinity, praying for a charter of a manual labour school to be located at that place.

Referred to the committee on corporations.

Mr. Box presented the petition of inhabitants of Lee county, praying for an alteration in the boundary of said county.

Referred to a select committee, consisting of the delegation from Des Moines county.

Mr. Childs presented the petition of sundry persons, praying that the county seat of Portage county may be established at Kentucky city.

Referred to a select committee, consisting of Messrs. Childs, M'Williams, and Sholes.

Mr. Teas presented an account of W. C. Rice, for drafting ten copies of a map for the use of the House of Representatives.

Referred to the committee on expenses.

Mr. M'Gregor presented the petition of inhabitants of Cook county, praying for an exclusive right of a ferry across the Mississippi.

Referred to a select committee, consisting of Messrs. M'Gregor, Nowlin, and Reynolds.

Mr. M'Gregor presented the petition of inhabitants of Louisa

county, praying that the seat of justice for said county may be established by the voters of said county.

Referred to the delegation from Des Moines county.

Mr. Reynolds presented the petition of inhabitants of Louisa county, praying an alteration of the boundaries of said county.

Referred to a select committee, viz: Messrs. Reynolds, McGregor, Jenkins, Wheeler, Chance, and Nowlin.

On motion of Mr. Engle,

Resolved, That (if the Council concur) it shall be the standing order of the two Houses, that when a bill or other document shall be ordered to be printed, fifty copies thereof shall be printed for the use of the House, and twenty-five copies for the use of the Council. That when a bill which shall have been printed in one House, shall be passed in that House with amendments, it shall be the duty of the Clerk in which the same shall have passed to furnish the Clerk of the House to which the same shall be sent for concurrence, a copy of the amendments made, as compared with the printed bill, and fifty copies of such amendments shall be printed for the use of the House to which such bill may have been sent for concurrence.

Mr. Engle, from the committee to which were referred three several petitions concerning the boundary lines of the county of Muscatine and the county adjacent proposed to be called Scott, asked that all petitions presented having reference to the same subject, should be referred to the same committee.

Ordered, that they be so referred.

Mr. McKnight, chairman of the committee on corporations, reported the following bills, Nos. 30 and 31.

No. 30, entitled "A bill to authorize the president and trustees of the town of Milwaukee, on the west side of Milwaukee river, to borrow money."

No. 31, entitled "A bill to incorporate the Milwaukee and Rock river canal company," which was then severally read a first time.

On motion of Mr. Sheldon, the several rules were suspended with reference to bill No. 30; which was then read a second time, and ordered to be engrossed for a third reading.

Mr. Durkee moved to recommit bill No. 31, and the question

being taken, it passed in the negative; and the bill was laid on the table.

Mr. Durkee, from the joint committee of the two Houses, appointed to take into consideration the propriety of reporting a system of county and township government, made the following report, which was laid on the table to be taken up on tomorrow.

The joint committee appointed on the part of the House of Representatives, to take into consideration, in conjunction with a similar committee appointed by the Council, "the propriety or expediency of reporting a system of county and township government," beg leave to report the following general principles on the subject, as the result of their joint deliberations.

In relation to county government, the committee would recommend the passage of a law authorizing the qualified electors of the different counties of this Territory, at their next annual election, to elect three commissioners, of whom the highest in vote shall serve three years: the next highest, two years; and the lowest, one year: their places, respectively, to be supplied by the annual election of another citizen, to serve three years. That said county commissioners have the regulating of the fiscal concerns of the county; levying and collecting county taxes; building court-houses, jails, with such other county buildings as may be necessary; erecting county bridges, and laying out roads; and be farther invested with the power, upon application of a majority of the citizens of any particular district, to form such district into a township; that said county commissioners have charge of the poor of their respective counties, and farther, that said commissioners be empowered to appoint their Clerk: that there be annually elected three auditors, whose duty it shall be to audit and adjust the accounts of the county commissioners; and, lastly, that there be annually elected a county assessor and treasurer, their duties and powers to be defined by law.

In relation to township government, the committee would respectfully recommend the passage of a law or laws authorizing the qualified voters in each organized township, annually to elect as many overseers of the highways as they have road dis-

tricts, as many constables as they may deem necessary, and a township clerk.

On motion of Mr. Teas,

The House went into committee of the whole, on bill No. 13, entitled "A bill to incorporate the stockholders of the Rochester and Des Moines hydraulic and manufacturing company;" Mr. Sheldon in the chair. After some time spent in the consideration of said bill, the committee rose and reported the bill with an amendment. The House agreed to the amendment reported by the committee.

Mr. Quigley moved to amend the second section, by adding at the end thereof, the following:

"Provided, That the said company shall not, by virtue of this charter, appropriate their funds to the purchasing of the public lands, other than that which will be necessary for the construction of the works to carry on their manufacturing purposes."

The amendment was adopted, and the said bill was ordered to be engrossed for a third reading.

Mr. McGregor, by leave, introduced bill No. 32, entitled "A bill to charter the Davenport steam ferry company," which was read the first time, and laid on the table.

Mr. Chance gave notice, that on next Tuesday he would introduce a bill to establish a ferry across Skunk river, at Moffit's mill.

Mr. Engle gave notice of his intention to bring in a bill at a future day, to "authorize the appointment of commissioners out of the territory, to take and certify the execution of deeds, powers of attorney, &c., to be recorded in the territory of Wisconsin," and also, "A bill to incorporate the stockholders of the Wisconsin Mining Company."

On motion of Mr. Engle,

Resolved, That the speaker be authorized to draw his warrant upon the secretary of the territory, in favour of James Clarke & Co., printers to this House, for the sum of one thousand dollars, to be accounted for on the final settlement of their account.

The House adjourned.

Wednesday, November 29, 1837.

On motion of Mr. Parkinson,

Resolved, That a committee be appointed to bring in a bill to regulate general and special elections.

Messrs. Parkinson, Jenkins, Wheeler, Durkee, and Sheldon were appointed the committee.

Mr. Shanley, agreeably to previous notice, introduced

Bill, No. 33, entitled "A bill to regulate weights and measures;" which was read the first time, and laid on the table.

Mr. Engle, agreeably to previous notice, introduced

Bill, No. 34, entitled "A bill to authorize the appointment of commissioners out of the Territory to take the acknowledgments of deeds and instruments of writing under seal;" which was read the first time, and laid on the table.

Mr. Reynolds, from the select committee to which were referred petitions of inhabitants of Muscatine and Dubuque counties, concerning the boundary lines of the county of Muscatine, and the county proposed to be called Scott, made a report which was read, and

On motion of Mr. Engle, recommitted to the same committee.

On motion of Mr. Engle,

Ordered, that another member be added to the committee to be selected from the Dubuque delegation.

Mr. Nowlin was appointed.

The following message was received from the Council by their secretary.

"Mr. Speaker,—I am directed to inform you that the Council have disagreed to the resolution from the House of Representatives, instructing the committees on the Judiciary of the two Houses to report such of the statute laws of Michigan as they may deem proper."

And then he withdrew.

Mr. M^r. Williams, from the committee on enrolments, reported the following memorial to be correctly enrolled, viz: "A memo-

rial from the Legislative Assembly of Wisconsin on the subject of constructing a road from Chicago to Green Bay," and that he presented the following memorial to the Executive on yesterday, the 28th instant, for his approval, viz: "A memorial on the division of the territory."

The first named memorial was then presented to, signed by the speaker, and ordered to be sent to the president of the Council for his signature.

On motion of Mr. Durkee,

Report, No. 13, entitled "A report of the joint committee on the part of the house to take into consideration the propriety or expediency of reporting a system of county and township government," was read, adopted, and the committee ordered to bring in a bill.

A message was received from his excellency the Governor, informing the house that he had examined and approved "a memorial on the subject of a division of the Territory of Wisconsin."

Mr. Durkee presented an account due to Webster, Burgess, and Morgan from the Territory of Wisconsin.

Referred to the committee on expenses.

Mr. Cox, from the committee appointed to take and embody the testimony in relation to the Half Breed tract, made report, which was read and laid on the table until to-morrow.

Mr. Teas, by leave, introduced a bill, (No. 35,) entitled "A bill to organize the several counties formed out of the original county of Des Moines, and for other purposes;" which was read the first time, and laid on the table.

Mr. Sheldon moved that the report made by the committee appointed to investigate the condition of the several banks in this territory be now taken up.

Mr. Durkee moved to amend the motion so as to make this report the order of the day for Friday next.

The question was first put on taking up the report, and lost.

The question was then taken on the motion made by Mr. Durkee, and it was decided in the affirmative.

So the report was made the order of the day for Friday next.

On motion of Mr. Sheldon,

The house went into committee of the whole, having bill No. 1, entitled "A bill to provide for appointing of justices of the peace, &c." under consideration. Mr. Teas in the chair.

After some time, the committee rose and reported the progress they had made therein, and asked leave to sit again.

Leave was granted.

The house adjourned.

Thursday, November 30, 1837.

Mr. Quigley introduced the following resolutions:

Resolved, By the Council and House of Representatives of Wisconsin territory, That the Hon. George W. Jones, our delegate in Congress, is hereby requested to ask for, and to use his influence to obtain the passage of a law of Congress to give this territory the right to the 16th section of each and every township of public lands within its limits, or in lieu thereof, some other section of unoccupied land, for the use of schools; and, also, two whole townships for the benefit of education; to be selected in such quantities and disposed of in such manner as the legislature of this territory may hereafter direct by law.

Resolved, That the Governor is hereby requested to forward three copies of these resolutions: one to the Hon. G. W. Jones, our delegate; one to the president of the Senate; and one to the speaker of the House of Representatives of the United States.

Mr. Chance moved to lay the resolution on the table until the 4th of July next. The motion was lost.

On motion of Mr. Teas,

Ordered, that the resolutions be referred to the committee on schools.

Mr. Sheldon presented the petition of inhabitants of Walworth county, praying for a territorial road from the state line of Illinois, to the outlet of Geneva lake, and from thence to the city

of Madison; and that the seat of justice of the said county may be established at the present session of the legislature.

The petition praying for said road was referred to the committee on internal improvements.

The petition relating to the county seat was referred to a select committee, viz:

Messrs. Sheldon, Durkee, and Cornwall.

Mr. Shanley, agreeably to previous notice, introduced bill No. 36, entitled "A bill to prevent sabbath-breaking, and for other purposes;" which was read the first time, and laid on the table.

On motion of Mr. Brunson,

Resolved, That a select committee be appointed for the purpose of inquiring into the expediency of attaching to Crawford county, for judicial purposes, all that part of Wisconsin territory lying south and west of lake Superior, and not included in any organized county, with instructions to report by bill or otherwise.

Messrs. Brunson, Brunet, and M^r. Williams, were appointed the committee.

Mr. Shanley gave notice that he would bring in a bill at some future day to regulate county surveyor's fees.

Mr. Engle, chairman of the select committee to which were referred the petitions concerning the boundary lines of the county of Muscatine, and the county proposed to be called Scott, made the following reports: one from the majority and one from the minority of said committee.

The select committee to which were referred various petitions from the counties of Dubuque, Cook, and Muscatine, concerning the boundary lines of the county of Muscatine and the county proposed to be called Scott, beg leave to make the following report:

"The committee have thought it inexpedient to go further in their examination, than to enable them to recommend the northern and eastern boundary line of the county of Muscatine, and with this view they took up the petitions referred to them. Out of nine hundred and ninety-six petitions included, are the petitions referred to the committee. Six hundred and forty-five

ask for the establishment of the Eastern boundary of Muscatine at the line dividing ranges one and two *East*. One hundred and twenty-two ask it to be established at the meridian; and two hundred and twenty-nine at the line dividing ranges one and two *West*. The petitions asking for the line between one and two *East*, ask generally for the northern boundary of Muscatine to be established at the line dividing Townships 78 and 79. The committee, therefore, recommend the adoption of the following resolutions:¹

Resolved, That the eastern boundary line of the county of Muscatine, should be established at the line dividing ranges one and two *East*, and that the northern boundary thereof should be established at the line dividing townships 78 and 79.

Resolved, That as many of said petitions as refer to the southern or western boundaries of Muscatine, be referred to the select committee of the delegation of Des Moines county, and that the remainder be referred to the select committee of the delegation from Dubuque, and that the committee be discharged from the further consideration of the subject.

ALEX. W. M'GREGOR,
JOHN BOX,
G. W. TEAS,
ELI REYNOLDS."

The undersigned members of the select committee to which were referred petitions concerning the boundary lines of the county of Muscatine, and the county proposed to be called Scott, beg leave to make the following *counter* report:

"The undersigned agree with the majority of the committee, in considering it inexpedient to go further in this examination, than to enable them to recommend a division line between the counties formed out of "Old Des Moines," and the counties proposed now to be formed out of the county of Dubuque: but they cannot agree with the majority, in the lines which they have recommended, for the following reasons:

1st. Because it will prevent the Dubuque delegation from making a fair and equal division of the territory included in said county; for the county in which Davenport and Rockingham are proposed to be placed cannot, consistent with just

arrangements above, be permitted to extend further north than the line dividing townships 79 and 80, leaving but two *whole* townships and three fractions for *Scott* county. Even if it should force us to extend the northern boundary of *Scott* to the *Wabesipinicon* river, it will leave it a very small county, and will divide the settlements on that river, and interfere with the wants and wishes of the people in the county lying immediately north.

2nd. It will take from the county of *Dubuque*, and give to the county of *Muscatine* a highly valuable and thickly settled section of country, included in townships 78, of ranges one, East, and one, two, three, four, five, and six, West; giving to *Scott*, which is taken chiefly from *Dubuque*, only two small fractions, in all less than half a township, in exchange.

3rd. The undersigned do not agree with the majority in framing county lines, when manifest injustice will be done, according to the number of petitioners. In this case, about 1000 signers have been produced, some of them living, of course, very remote, and having no interest in the matter, and some of them signing opposite petitions.

P. H. ENGLE,
HARDIN NOWLIN.

The resolutions submitted in the report of the majority, were then considered.

Mr. Engle offered the following amendment: strike out the words, "the line dividing ranges one and two, east," in the first resolution, and insert the words, "the fifth principal meridian."

The yeas and nays being called for, were as follows:

Yeas:—Messrs. Brunet, Childs, Cornwall, Engle, M'Williams, Nowlin, Sheldon, Smith, and Wheeler—9.

Nays:—Messrs. Box, Boyls, Brunson, Chance, Cox, Jenkins, M'Gregor, M'Knight, Parkinson, Quigley, Reynolds, Shanley, Sholes, Teas, and Leffler, speaker—15.

So the amendment was lost.

The question then recurred on the adoption of the resolution, and

It passed in the affirmative.

The question was then taken on the second resolution, and

It was adopted.

Mr. Cox, chairman of the committee on expenses, made the following report, which was read and agreed to:

The committee on expenses, to which was referred the account of W. C. Rice, for drafting maps for the use of this House, by order of the speaker, under a resolution of the 14th instant, report, that the account of said Wm. C. Rice, for drafting ten plats of the country west of the Mississippi river, being forty-five dollars, be allowed to him.

Mr. M'Williams, chairman of the committee on enrolments, presented the "Report in relation to the Missouri boundary line" as correctly enrolled.

The said report was then presented to, signed by the speaker, and ordered to be transmitted to the president of the Council, for his signature.

Mr. Engle, agreeably to previous notice, introduced a bill No. 37, entitled "A bill to divorce Mary M'Arthur from her husband John M'Arthur," which was read the first time.

On motion of Mr. Engle,

Ordered, that the rule requiring all bills to be printed, on being read the first time, be suspended with reference to said bill, which was then read the second time.

On motion of Mr. Chance,

Ordered that the vote for printing be suspended with reference to bill No. 35, entitled "A bill to organize the several counties, formed out of Des Moines county." The bill was read the second time, and on motion of Mr. Chance, the House went into committee of the whole, having said bill No. 35, under consideration, Mr. Cox in the chair.

After a short time spent in considering said bill, the committee rose and reported the bill without amendment.

The said bill was then ordered to be engrossed for a third reading.

The following message was received from the Council, by their secretary.

"Mr. Speaker—The Council has concurred in a memorial and resolution from the House of Representatives, viz:

"A memorial to Congress for a special pre-emption right for the citizens of South Port, and for the construction of a harbour at that place."

“ ‘ A resolution relative to the construction of a ship canal by the Congress of the United States to connect Lake Erie with Lake Ontario ;’ and they are herewith returned.

“ I am directed to present a substitute for the memorial from the House of Representatives, entitled ‘ A memorial for the construction of a harbour, at the mouth of the Twin rivers, viz:—‘ A memorial praying for the construction of harbours at Twin, Manitowoc, and Sheboyagan rivers,’ and to request the concurrence of the House therein.”

And then he withdrew.

On motion of Mr. Sheldon,

The House resolved itself into committee of the whole, on bill No. 1, entitled “ A bill to provide for the appointing of justices of the peace, &c. ;” Mr Teas in the chair.

After some time, the committee rose and reported the progress made therein, and asked leave to sit again.

Leave was granted.

Mr. Shanley presented the accounts of John Hues, against the territory of Wisconsin.

Referred to the committee on expenses.

On motion of Mr. Childs,

Resolved, That the committee on expenses be instructed to inquire into the propriety of allowing to Captain Gideon Lowe and Lieutenant Hoe, pay per diem, and mileage for their attendance before the committee appointed by the House of Representatives, during its last session, to examine into the contested election between A. J. Irwin and George M^cWilliams.

Referred to the committee on expenses.

On motion of Mr. Shanley,

The House adjourned to 3 o'clock.

3 O'CLOCK, P. M.

On motion of Mr. Chance,

The House went into committee of the whole, having bill No. 1, entitled “ A bill to provide for the appointing justices of the peace, &c.,” under consideration; Mr. Teas in the chair. Af-

ter some time the committee rose and reported the progress made therein, and asked leave to sit again.

Leave was granted.

Mr. M^cWilliams, from the committee on enrolments, informed the House, that he had this day presented to the governor, for his signature, "A memorial of the legislative assembly on the subject of constructing a road from Chicago to Green Bay;" and "a report in relation to the Missouri boundary line."

The House adjourned.

Friday, December 1, 1837.

A message was received from his excellency, the Governor, informing the House that he had approved a "Memorial to Congress on the subject of an appropriation to make the United States road from Chicago to Green bay, Wisconsin Territory."

Mr. Durkee presented several petitions of inhabitants of Rock county, praying for an act to organize said county, and for a territorial road leading from New Albany to the mouth of Crawfish river.

Referred to the following select committee, viz: Messrs. Sheldon, Durkee, and Cornwall.

Mr. Sheldon presented petitions of inhabitants of Walworth county, praying that the seat of justice may be located near the centre of the said county.

Referred to the committee last aforesaid.

Mr. Smith, by leave, introduced bill No. 38, entitled "A bill to amend an act to incorporate such towns as wish to be incorporated, passed Dec. 6, 1836," which was read by its title and committed to the committee on corporations.

Mr. Smith gave notice that he would, at a future day, bring

in a bill to amend an act entitled "An act to lay out a road east of the Mississippi river."

The house then took up the substitute to a memorial praying for the construction of a harbour at the mouth of Twin rivers, entitled "A memorial praying for the construction of a harbour at Twin, Manitowoc, and Sheboyagan rivers," adopted by the Council and sent down for concurrence.

The said substitute was agreed to, and the Council ordered to be informed.

The house proceeded to the order of the day, which was the report of the committee appointed to investigate the condition of the several banks in this territory.

Mr. Durkee moved to lay the report on the table; and the question being taken,

The motion was decided in the negative.

Mr. Engle moved that the report be committed to the committee of the whole house;

Which motion was decided in the negative.

Mr. Sholes moved that the question be divided, and first taken on that part of the report which relates to the Dubuque bank.

Mr. Engle offered the following resolutions as an amendment to the report of the committee:

Resolved, That the facts reported by the committee in relation to the Miner's Bank of Dubuque are sufficient to justify this house in pronouncing the said bank to be in a sound and solvent condition.

Resolved, That, in the opinion of this house, the authority given in the charter of said bank for issuing post notes was not intended to apply to give the bank power to issue notes payable after date, for the purpose of making ordinary discounts, or for the purpose of general circulation.

Resolved, That the committee be discharged from the farther consideration of the subject, so far as it relates to the farther examination of the condition of the Miner's Bank of Dubuque.

The resolutions were adopted, and the house agreed to the report of the committee as amended by the resolutions.

The house then took up so much of the report as related to the Bank of Mineral Point.

Mr. M^cWilliams offered the following resolution:

Resolved, That so much of the report of the select committee, appointed to investigate the affairs of the several banks in this territory, as relates to the Mineral Point Bank is not substantiated by sufficient testimony to warrant any further legislative action at present.

Mr. Cox offered the following as an amendment to the resolution:

Resolved, That so much of the report of the select committee on banks be not received as relates to the Mineral Point Bank, the said committee having come to the conclusion from the examination of witnesses who are either ex-officers or who have not acted in the capacity of directors of the institution.

Mr. Engle called for the reading of the original resolution under which the committee acted, which was read.

Mr. Chance moved to re-commit so much of the report as relates to the Mineral Point Bank to the committee.

The motion to re-commit, being a privileged question, was first put and lost.

Mr. Teas moved to adjourn to three o'clock, P. M.

The motion was lost.

Mr. Sheldon moved to adjourn to ten o'clock, A. M., tomorrow.

The motion was decided in the negative.

Mr. Teas offered the following as an amendment to the amendment offered by Mr. Cox.

Resolved, That so much of the report of the select committee, appointed to investigate the affairs of the banks in this territory, as relates to the bank of Mineral Point, be not received; and that the committee are hereby instructed to further investigate said bank, either by visiting said bank or corresponding with the president and cashier thereof, who are hereby required to transmit answers and report to this house, under oath, as soon as practicable.

The question was then taken on the amendment to the amendment offered by Mr. Teas, and lost.

The question was then taken on the amendment to the resolution, and the yeas and nays being called for, were as follows:

Yeas:—Messrs. Boyls, Childs, Cox, Durkee, Jenkins, M'Knight, Parkinson, Reynolds, Smith, and Teas—9.

Nays:—Messrs. Box, Brunson, Brunet, Chance, Engle, M'Gregor, M'Williams, Nowlin, Quigley, Sheldon, Shanley, Sholes, Wheeler, Leffler, speaker—14.

So the amendment was lost.

The question then recurred upon the resolution offered by Mr. M'Williams as an amendment to the report of the committee, and it was adopted.

Mr. Box, by leave, introduced bill No. 39, entitled "A bill for an act prescribing the mode of trying the right of property;" which was read a first time, and laid on the table.

Mr. Shanley gave notice that, at a future day, he should introduce a bill to allow physicians to practise without diplomas.

Mr. Parkinson gave notice that, at a future day, he would bring in a bill to construct a road east of the Mississippi river.

And then the house adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

On motion of Mr. Chance,

Bill No. 35 was taken up for a third reading, entitled "A bill to organize the original county of Des Moines, and for other purposes."

Mr. Box moved that the blanks in the bill be now filled.

The first blank to be filled was in that part of the bill which organizes Lee county.

Mr. Teas moved that the first blank be filled with the name of "West Point," and, the question being taken, it was lost.

Mr. Teas moved to fill the blank with the name of "Franklin."

The question was taken and lost.

Mr. Nowlin moved to fill the blank with the name of "Fort Madison," and, the question being taken,

It was decided in the affirmative.

The next blank to be filled was in that part of the bill which relates to the organization of Van Buren county.

Mr. Jenkins moved that the blank be filled with the name of "Rochester."

Mr. Box named "Benton's Port" as a candidate.

The question was taken on Mr. Jenkins' motion, and

It was decided in the affirmative.

The third blank to be filled was in that part of the act which relates to the organization of Des Moines county, and

On motion of Mr. Reynolds,

The blank was filled with the name of "Burlington."

The next blank to be filled was in that part of the act that relates to Henry county, and

On motion of Mr. Chance,

The blank was filled with the name of "Mount Pleasant."

The fifth blank to be filled was in that part of the act which relates to Louisa county, and, on motion of Mr. Chance, it was filled with the words "Lower Wapello."

The sixth blank to be filled was in that part of the act which relates to Wayne county, and,

On motion of Mr. Teas,

The blank was filled with the name of "Geneva."

Mr. Childs moved to reconsider the last vote, filling the blank with "Geneva," and the motion prevailed.

Mr. Quigley moved to fill the blank with the name of "Bloomington."

Mr. Engle called for the yeas and nays.

The question was then taken on the motion of Mr. Teas, being first in order, and the yeas and nays were as follows:

Yeas:—Messrs. Box, Boyls, Brunson, Brunet, Childs, Chance, Cox, Durkee, Jenkins, M'Gregor, M'Knight, M'Williams, Parkinson, Reynolds, Shanley, Sholes, Teas, Wheeler, and Leffler, speaker—19.

Nays:—Messrs. Engle, Nowlin, Quigley, Sheldon, and Smith—5.

So the blank was filled with "Geneva."

The next blank to be filled was that which relates to the county of Slaughter, and,

On motion of Mr. Teas,

The blank was filled with the name of "Astoria."

The bill was then read a third time, and passed.

On motion of Mr. Engle,

The title of the bill was amended to read, "A bill to establish the boundaries of the counties of Lee, Van Buren, Des Moines, Henry, Louisa, Wayne, and Slaughter, and to locate the seats of justice of said counties, and for other purposes."

The bill was then ordered to be sent to the Council for concurrence.

On motion of Mr. Sholes,

The house proceeded to take up the report of the committee appointed to inquire into the condition of the several banks in this territory.

That part of the report which relates to the bank of Wisconsin being under consideration,

Mr. Sholes offered the following resolution:

Resolved, That, in the opinion of this house, founded upon the facts elicited by the report of the committee appointed to investigate the condition of the several banks of this Territory, the "Bank of Wisconsin" is in a sound and solvent condition; that the question raised by said committee, in regard to the excess of issues, does not form a proper ground of legislative action, and that said committee be now discharged from the farther consideration of this part of the subject.

The charter of the said bank was read.

The question being taken on the adoption of the said resolution,

It passed, and the report of the committee, as amended, was agreed to.

That part of the report which relates to the bank of Milwaukee was taken up and agreed to.

Mr. Cox offered the following preamble and resolution:

Whereas, by the charter of the bank of Mineral Point (see section 6th of that act,) it is provided that the president and cashier shall, whenever thereunto required, furnish to the Legislative Council a statement, &c., therefore be it

Resolved, That it is inexpedient for the select committee ap-

pointed under the resolution of the 16th ultimo, to report upon the bank of Mineral Point, as the president and cashier of said bank are required to answer unto the Legislative Council, upon oath, and not to the House of Representatives, and that the committee be discharged.

The said preamble and resolution were adopted.

Mr. Brunson, from the select committee to which was referred the subject of enlarging the county of Crawford, reported a bill (No. 40,) entitled "A bill to enlarge Crawford county," which was read the first time, and laid on the table.

Mr. M'Williams, from the committee on enrolments, reported the following to be correctly enrolled, viz: "A memorial to Congress for a special pre-emption right for the citizens of South Port, and for the construction of a harbour at that place."

The said memorial was then presented to, signed by the speaker, and ordered to be sent to the president of the Council for his signature.

Message from the Council by the secretary:

"Mr. Speaker,—The Council have passed bills of the following titles, viz:

"(No. 9.) 'A bill to establish the Wisconsin University of Green Bay.'

"(No. 12.) 'A bill to divorce Armstead W. Floyd from his wife, Eleanor Floyd.'

"In which bills I am directed to ask the concurrence of this house." And then he withdrew.

The house adjourned.

Saturday, December 2, 1837.

A message was received from his excellency the governor, informing the house that he had examined and approved "a resolution in relation to the Missouri boundary line."

Mr. Childs offered the following resolution:

Resolved, that C. C. Sholes, editor of the Wisconsin Democrat, at Green Bay, be employed to print the journal of this house for the present session, and that he be allowed the usual price for the same.

Mr. Engle moved to postpone the consideration of the resolution until Monday next; and the question being taken,

It was decided in the negative.

Mr. Nowlin moved to lay the resolution on the table;

Which was decided in the negative.

Mr. Quigley moved the following amendment:—Strike out all after the word "Resolved," and insert "That the printing of the journal of this house be given to the lowest and best bidder."

The yeas and nays being called for, were as follows:

Yeas:—Messrs. Box, Boyls, Brunson, Brunet, Cornwall, Nowlin, Quigley, and Teas—8.

Nays:—Messrs. Childs, Cox, Durkee, Engle, Jenkins, M'Gregor, M'Knight, M'Williams, Parkinson, Reynolds, Sheldon, Smith, Shanley, Sholes, Wheeler, and Leffler, speaker—16.

Mr. Nowlin moved to amend the resolution by striking out "C. C. Sholes, editor of the Wisconsin Democrat at Green Bay," and inserting "James Clarke & Co., editors of the Territorial Gazette;" and upon this question the yeas and nays being called for, were as follow:

Yeas:—Messrs. Engle and Nowlin—2.

Nays:—Messrs. Box, Boyls, Brunson, Brunet, Childs, Cornwall, Cox, Durkee, Jenkins, M'Gregor, M'Knight, M'Williams, Parkinson, Quigley, Reynolds, Sheldon, Smith, Shanley, Sholes, Teas, Wheeler, and Leffler, speaker—22.

Mr. Quigley moved to amend the resolution by striking out "C. C. Sholes, editor of the Wisconsin Democrat at Green Bay," and inserting "the editors of the Iowa News at Dubuque."

Mr. Box moved to lay the resolution on the table, and, it being a privileged question,

It was first put and decided in the affirmative.

Mr. Parkinson offered the following resolution:

Resolved, That M. D. Holbrook, editor of the Miner's Free Press, printer at Mineral Point, be employed to print the laws passed by the legislative assembly at its present session, and that he be allowed the usual price for the same, the Council concurring herein.

Mr. Chance moved to lay the resolution on the table; which was decided in the negative.

Mr. Quigley moved to strike out "M. D. Holbrook, editor of the Miner's Free Press, printer at Mineral Point," and insert "Corriell, King & Russell, editors of the Iowa News at Dubuque."

The yeas and nays being called for, were taken, and were as follow:

Yeas:—Messrs. Chance, Engle, Nowlin, Quigley, and Wheeler—5.

Nays:—Messrs. Box, Boyls, Bruhson, Brunet, Childs, Cornwall, Cox, Durkee, M'Knight, M'Williams, Parkinson, Reynolds, Sheldon, Smith, Shanley, Sholes, Teas, and Leffler, speaker—18.

So the amendment was lost.

Mr. Nowlin moved to strike out "M. D. Holbrook, editor of the Miner's Free Press, printer at Mineral Point," and insert "James Clarke & Co., editors of the Territorial Gazette," and called for the yeas and nays.

Those who voted in the affirmative are, Messrs. Chance, Nowlin, and Quigley—3.

Those who voted in the negative are, Messrs. Box, Boyls, Brunson, Brunet, Childs, Cornwall, Cox, Durkee, Engle, M'Gregor, M'Knight, M'Williams, Parkinson, Reynolds, Sheldon, Smith, Shanley, Sholes, Teas, Wheeler, and Leffler, speaker—21.

Mr. Nowlin moved to lay the resolution on the table; which was decided in the negative.

Yeas—8. Nays—15.

Mr. Quigley offered the following amendment:—Strike out all after the word "Resolved," and insert "The secretary of this territory shall issue proposals for the printing of the laws passed at the present session of the legislative assembly, of the ter-

ritory, and that the same be given to the lowest and best bidder."

The yeas and nays being called for, were as follows:

Yeas:—Messrs. Box, Brunson, Brunet, Cornwall, Chance, Engle, M'Gregor, Nowlin, Quigley, and Wheeler—10.

Nays:—Messrs. Boyls, Childs, Cox, Durkee, Jenkins, M'Williams, M'Night, Parkinson, Reynolds, Sheldon, Smith, Shanley, Sholes, Teas, and Leffler, speaker—15.

So the amendment was lost.

A motion was made by Mr. Nowlin to adjourn; which motion was disagreed to.

Mr. Chance offered the following amendment:—Strike out "M. D. Holbrook, editor of the Miner's Free Press, printer at Mineral Point," and insert "The Milwaukee Advertiser."

The yeas and nays being called for, were as follow:

Yeas:—Messrs. Cornwall, Chance, Durkee, Sheldon—4.

Nays:—Messrs. Box, Boyls, Brunson, Brunet, Childs, Cox, Engle, Jenkins, M'Gregor, M'Knight, M'Williams, Nowlin, Parkinson, Quigley, Reynolds, Smith, Shanley, Sholes, Teas, Wheeler, and Leffler, speaker—21.

So the amendment was disagreed to.

Mr. Quigley moved to amend the resolution by striking out "M. D. Holbrook, &c.," and inserting "John O'Rourke, editor of the Milwaukee Sentinel;" and, the question being put,

It passed in the negative.

The yeas and nays being called for, were as follow:

Yeas:—Messrs. Cornwall, Chance, Durkee, Quigley, Reynolds, Sheldon, and Teas—7.

Nays:—Messrs. Box, Boyls, Brunet, Childs, Cox, Engle, Jenkins, M'Gregor, M'Knight, M'Williams, Nowlin, Parkinson, Smith, Shanley, Sholes, and Leffler, speaker—16.

Mr. Chance moved to strike out "M. D. Holbrook, editor, &c.," and insert "C. C. Sholes, editor of the Wisconsin Democrat;" and, the question being put,

It was determined in the negative.

The yeas and nays being called for, were as follow:

Yeas:—Messrs. Chance, M'Gregor, Quigley, and Teas—4.

Nays:—Messrs. Box, Boyls, Brunet, Childs, Cornwall, Cox,

Durkee, Engle, Jenkins, M'Knight, M'Williams, Nowlin, Parkinson, Reynolds, Sheldon, Smith, Shanley, Sholes, and Leffler, speaker—19.

The question then recurred upon the adoption of the resolution, and the question being put,

It passed in the affirmative.

The yeas and nays being called for, were as follow:

Yeas:—Messrs. Box, Brunet, Cornwall, Cox, Durkee, Engle, Jenkins, M'Gregor, M'Knight, M'Williams, Parkinson, Reynolds, Sheldon, Smith, Shanley, Sholes, Teas, and Leffler, speaker—18.

Nay:—Mr. Nowlin.

Mr. M'Gregor offered the following resolution:

Resolved, That Andrew F. Russell and Henry F. Cox, be employed to prepare the journal of the House of Representatives of the present session, for the press.

On motion of Mr. Sheldon,

The resolution was laid on the table.

Mr. Jenkins asked leave of absence for Mr. Box until Tuesday next.

Leave was granted.

Mr. Teas asked leave to withdraw the petitions of Martha Newton and Lucinda Jones.

Leave was granted.

On motion of Mr. Engle,

The House adjourned until Monday next, at 10 o'clock, A. M.

Monday, December 4, 1837.

The journal of Saturday was read and corrected.

Mr. M'Gregor presented the petition of inhabitants of Dubuque and Muscatine counties, praying for the organization of a new county to be formed out of the said counties.

Referred to a select committee, to consist of the delegation from Dubuque county.

Mr. Sholes offered the following resolution:

Resolved, That a select committee of three be appointed with power to send for persons and papers, to investigate the truth of statements made by a certain John Wilson, calculated to injure the reputation and destroy the standing of an honourable member of this house; and that said committee be instructed to report as soon as practicable.

The resolution was adopted, and

Messrs. Sholes, Engle, and Sheldon were appointed said committee.

On motion of Mr. McKnight,

Resolved, That this house do give the preparing of the journal of this house for publication, to Mr. Catlin, chief clerk thereof, and that he be allowed the sum of dollars per day, for the time spent therein.

On motion of Mr. Smith,

The said resolution was reconsidered.

Mr. Sheldon moved to amend the said resolution, by striking out all after the blank, and inserting, "two hundred dollars therefor."

The amendment was agreed to.

Mr. Engle moved further to amend the resolution, by inserting between the words "house" and "for," the words, "at its present session."

The amendment was adopted.

The resolution as amended, was then adopted.

On motion of Mr. Brunson,

Resolved, That a select committee be appointed for the purpose of taking into consideration the expediency of drafting a memorial to the Congress of the United States, praying that the Indian title to the island on the south side of Lake Superior, known by the name of Magalen or La Pointe, may be extinguished.

Messrs. Brunson, Durkee, and M'Williams, were appointed the committee.

Mr. M'Williams reported a resolution, respecting a ship canal,

between lakes Erie and Ontario, as having been correctly enrolled.

The resolution was then presented to, signed by the speaker, and ordered to be sent to the president of the Council for his signature.

Mr. Parkinson, from the select committee, to which were referred sundry petitions for a road east of the Mississippi river, reported bill, No. 41, entitled a bill to lay out a territorial road east of the Mississippi, and for other purposes;"

Which was read the first time, and,

On motion of Mr. Parkinson,

The rule requiring all bills to be printed on being read the first time, was suspended, and the said bill was read the second time.

On motion of Mr. Engle,

The rule requiring all bills to be considered in committee of the whole, before being engrossed for a third reading, was suspended, and the said bill was then ordered to be engrossed for a third reading.

On motion of Mr. Sheldon,

The rule requiring bills to be printed on being read the first time, was suspended in reference to bill No. 5, Council file, entitled "A bill regulating and defining the extent of the right of possession on lands belonging to the government of the United States, and for other purposes," which was then read the second time.

On motion of Mr. Engle,

The house resolved itself into a committee of the whole, for the consideration of said bill, Mr. Quigley in the chair.

After a short time, the committee rose, and by their chairman reported said bill without amendment.

On motion of Mr. Engle,

The bill was committed to the judiciary committee.

The secretary of the Council being introduced, delivered the following message:

"Mr. Speaker,—The Council have passed 'A bill organizing a board of commissioners in each county in this territory,' which the House of Representatives is requested to concur.

"The Council has concurred in a memorial of the House of Representatives, entitled 'A memorial for the construction of a road from Milwaukee, &c., to Cassville on the Mississippi river,' and has filled the blank in the last paragraph with 'fifteen.'

"I am directed to return the resolution from the House of Representatives, relative to a ship canal from lake Erie to Ontario, with the signature of the president of the Council thereto: and also to present for your signature 'A memorial praying for the construction of harbours at Twin, Manitowoc, and Sheboygan rivers.'"

And then he withdrew.

On motion of Mr. Sholes,

The house went into committee of the whole, Mr. Teas in the chair, having bill No. 1, under consideration concerning justices of the peace. After some time, the committee rose, and, by their chairman, reported the same with amendments.

The amendments reported by the committee were agreed to, and,

On motion of Mr. Teas,

The said bill was, for the present, laid on the table.

And then the house adjourned.

Tuesday, December 5, 1837.

Mr. Brunson, from the select committee appointed under a resolution in reference to extinguishing the Indian title to La Pointe Island, made the following report:

"Your committee deems the subject to be one of considerable importance, but thinks it inadvisable to add to the present list of memorials to Congress, and would recommend the adoption of the following preamble and resolution, viz:

“Whereas, The island on the south side of Lake Superior, known by the name of Magalen or La Pointe, being about twelve miles in length and from three to four in width, contains a population of ten or twelve hundred souls who are in a great measure shut out from the world and deprived of the means of justice, in consequence of the land they occupy being in possession of the Indians; Therefore,

“Resolved, That the Hon. G. W. Jones, our Delegate in Congress be requested to use his influence in effecting the purchase of said island.”

The report was agreed to, and the said preamble and resolutions were passed.

A message was received from the executive, informing the house that he had examined and approved “A memorial to Congress for a special pre-emption right for the citizens of South Port, and for the construction of a harbour at that place;” also, “A resolution relative to a ship canal to connect Lake Ontario with Lake Erie.”

Mr. McKnight, from the committee on corporations, by leave, reported bill No. 42, entitled “A bill to incorporate the town of Green Bay;” which was read the first time, and laid on the table.

Bill No. 12, Council file, sent from the Council for concurrence, entitled “A bill to divorce Armstead W. Floyd from his wife Eleanor Floyd, was then read the first time, and

On motion of Mr. Parkinson,

The rule requiring bills to be printed on being read the first time was suspended, and the bill was read the second time.

On motion of Mr. Engle,

The rule requiring all bills to be considered in committee of the whole was suspended, in order that bill No. 37, entitled “A bill to divorce Mary M’Arthur from her husband, John M’Arthur,” be taken up and considered in the house.

The said bill was then ordered to be engrossed for a third reading.

On motion of Mr. Teas, the 16th rule was suspended, in order that the said bill be now read a third time, and passed.

The said bill was then read the third time and passed, the title thereof agreed to, and

Ordered to be transmitted to the Council for concurrence.

Mr. Brunson, by leave, introduced bill No. 43, entitled "A bill to incorporate the stockholders of the North-west Mining Company;" which was read the first time, and

On motion of Mr. Brunson, the rule requiring bills to be printed on being read a first time, was suspended, and the said bill was read a second time.

Mr. Chance, by leave, introduced bill No. 44, entitled "A bill to authorize Levi Moffit to establish a ferry across Skunk river," which was read the first time. On motion of Mr. Chance, the rule requiring bills to be printed on being read the first time, was suspended, in order that said bill be now read the second time.

The bill was then read a second time, and,

On motion of Mr. Chance, the several rules of the house, were suspended in relation thereto.

The said bill was then ordered to be engrossed for a third reading:

Read a third time, passed, and the title thereof agreed to.

Ordered to be sent to the Council for concurrence.

On motion of Mr. Sheldon,

The several rules of the House were suspended in relation to bill

No 12, Council file, entitled "A bill to divorce Armstead W. Floyd from his wife Eleanor Floyd."

The said bill was then ordered to be engrossed for a third reading.

Read a third time, passed, and the title thereof agreed to.

Ordered, that the Council be informed.

Mr. Childs, by leave, introduced the following memorial, entitled

"A memorial to Congress on the subject of the improvement of the navigation of Fox river;" which was read the first, second, and third times, passed, and ordered to be sent to the Council for concurrence.

On motion of Mr. Brunson, bill

No. 11, entitled "A bill to authorize and require the board of supervisors of the county of Crawford to levy a series of taxes to defray the expense of building a bridge across the Marrais of St. Friole, in said county," was, by the unanimous consent of the house, amended by striking out the word "supervisors," wherever it occurs, and inserting "county commissioners."

The bill was then read the third time, passed, and the title thereof, as amended, agreed to.

On motion of Mr. Parkinson,

The house took up the following resolution and the amendment proposed by Mr. Quigley:

Resolved, That C. C. Sholes, editor of the Wisconsin Democrat at Green Bay, be employed to print the journal of this house for the present session, and that he be allowed the usual price for the same.

The amendment proposed by Mr. Quigley, viz: Strike out "C. C. Sholes, editor of the Wisconsin Democrat at Green Bay," and insert "The editors of the Iowa News at Dubuque," was withdrawn.

Mr. Teas moved to lay the resolution on the table. Lost. Ayes 9; Noes 11.

Mr. Chance moved to lay the resolution on the table till the 4th day of July next; and, the question being taken,

It was decided in the affirmative.

The following message was received from the Council by the secretary:

"Mr. Speaker,—The Council have concurred in the following memorials from the House of Representatives: 'A memorial in favour of John Hood;' and 'A memorial to Congress on the subject of the improvement of the navigation of the Fox river.'"

And then he withdrew.

On motion of Mr. Teas,

Bill No. 13, entitled "A bill to incorporate the stockholders of the Rochester and Des Moines hydraulic and manufacturing company," was read the third time, passed, and the title thereof agreed to.

Ordered to be transmitted to the Council for concurrence.

Mr. Brunson presented the affidavit of William Wilson respecting the apprehension of one M'Cumber.

Referred to the committee on expenses.

Mr. Teas gave notice that, at a future day, he would introduce a bill entitled "A bill to provide for building bridges.

Mr. Boyls gave notice that, at a future day, he should introduce a bill to establish a seminary of learning.

Mr. Shanley, by leave, introduced bill No. 44, entitled "A bill for the establishment of a territorial road from Cassville to Thomas Parish's; which was read the first time, and laid on the table..

Mr. Shanley offered the following resolution:

Resolved, That our delegate in Congress be, and he is hereby requested, to use his exertions to procure to be incorporated into the pre-emption law, if any shall be passed, for more than one quarter section, a designation between necessary proof of pre-emption upon prairie and that upon timbered land, so that the farmer may get his farm in the prairie and his timber for rails, fuel, and building purposes; which,

On motion of Mr. Engle, was laid on the table.

On motion of Mr. Cox,

Resolved, That the secretary of the territory (the Council concurring herein,) be requested to employ a suitable person for the purpose of drafting seven large maps of this territory, comprising the whole extent, from the latest materials that can be procured; and that two be placed in the hall of the House of Representatives, two in the Council Chamber, one in the office of the secretary, one in the library, and one for the use of the governor.

Mr. Nowlin gave notice that, at a future day, he should bring in "A bill to establish a territorial road from Dubuque to Andrew Bankston's, on the head waters of little Makoketa."

On motion of Mr. Sheldon,

Bill No. 30, entitled "A bill to authorize the town of Milwaukee river to borrow money," was read the third time, passed, and the title thereof agreed to.

Ordered that the clerk request the concurrence of the Council therein.

On motion of Mr. Parkinson,

Bill No. 2, entitled "A bill to lay out a territorial road from the White Oak Springs, and for other purposes," was read the second time.

On motion of Mr. Parkinson,

The different rules of the house were suspended in reference thereto, and the said bill was read the third time, passed, and the title thereof agreed to.

Ordered that the clerk request the Council to concur therein.

On motion of Mr. Parkinson,

Bill No. 20, entitled "An act to locate the seat of justice of Green county, and for other purposes," was ordered to be printed.

The speaker signed a memorial sent from the Council, entitled "A memorial for the construction of harbours at Twin, Manitoowoc, and Sheboyagan rivers;" and it was then transmitted to the president of the Council for his signature.

On motion of Mr. Sheldon,

The house took up a resolution passed by the Council, Nov. 15th, respecting the publication of the laws in several of the newspapers in this territory, and the amendment made thereto by the House of Representatives and disagreed to by the Council, and the question being put, "Shall the house adhere to the amendment?"

It was decided in the affirmative.

Ordered that the Council be informed.

Mr. M^cWilliams, chairman of the committee on enrolments, reported the following memorials to be correctly enrolled, viz:

"A memorial to Congress on the subject of the improvement of the navigation of the Fox river."

"A memorial for the construction of a road from Milwaukee, &c., to Cassville."

The said memorials were then presented to, signed by the speaker, and ordered to be transmitted to the president of the Council for his signature.

On motion of Mr. Engle,

The house adjourned to 3 o'clock, P. M.

3 O'CLOCK, P. M.

Bill No. 14, entitled "A bill to incorporate the Wisconsin Insurance Company, at Green Bay," was read the second time, and laid on the table.

On motion of Mr. Sholes,

Bill No. 9, Council file, entitled "A bill to establish the Wisconsin University of Green Bay," was taken up, the different rules suspended with reference thereto, the bill read a first and second time, and ordered to be engrossed for a third reading.

The said bill was then read the third time, passed, and the title thereof agreed to.

Ordered, that the Clerk acquaint the Council therewith.

On motion of Mr. Brunson,

Bill No. 40, entitled "A bill to enlarge Crawford county," was taken up, and the different rules having been suspended, was read the second time.

Mr. Engle offered the following amendment, and asked the unanimous consent of the House:

Insert between the words "Superior" and "add," the words "east of the Mississippi and Grand Fork rivers, and north of the Wisconsin river."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading.

It was then read a third time, passed, and the title thereof agreed to.

Ordered, to be sent to the Council for concurrence.

On motion of Mr. Brunson,

Bill No. 43, entitled "A bill to incorporate the stockholders of the north-west mining company," was read a first and second time, and

On motion of Mr. Quigley, was committed to the following select committee, viz: Messrs. Brunson, Quigley, Brunet, Cox, and Cornwall.

The Secretary of the Council being introduced, delivered the following message:

"Mr. Speaker,—The Council has passed bills of the following titles, viz:

"No. 13, 'A bill to establish a county treasurer.'

"No. 17, 'A bill to incorporate the Beloit seminary, in Rock county.'

"No. 19, 'A bill to enforce the payment of certain moneys into the several county treasuries.'

"In which I am directed to ask the concurrence of this house.

"The memorials from the House of Representatives, entitled

"'A memorial to Congress for the improvement of the navigation of Fox river;'

"'A memorial for the construction of a road from Milwaukee river, to the Mississippi river, by way of Madison and Mineral Point,' have been signed by the president of the Council, and are herewith returned."

And then he withdrew.

A message was also received from the executive, informing the house that he had examined and approved the following memorials, viz:

"Memorial to Congress for the improvement of the navigation of the Fox river;" and

"Memorial for the construction of a road from Milwaukee to the Mississippi river, by way of Madison and Mineral Point to Cassville."

Mr. Durkee offered the following resolution:

Resolved, That, in the opinion of this house, the principles contained in the message of the President of the United States to the Senate and House of Representatives, at their last session, are in perfect harmony with the constitution of our federal government, especially that part which relates to the currency, and reflects the highest credit for political integrity and talent, upon the Executive Department.

A motion was made by Mr. Teas, to lay the resolution on the table, and the question being put,

It was determined in the negative. Yeas—10. Nays—12.

Mr. Childs offered the following substitute, as an amendment to the resolution offered by Mr. Durkee:

Resolved, That if members approve of the course pursued, and principles laid down in the President's message, they have a right to think so, and let those who think otherwise enjoy their own opinion.

Mr. Quigley moved to adjourn, and the question being taken, It was decided in the affirmative. Ayes—13. Noes—12.

So the house adjourned.

Wednesday, December 6, 1837.

Mr. Wheeler presented the petition of inhabitants of Dubuque county, praying for the formation of a new county, and the location of the county seat.

Referred to a select committee to consist of the Dubuque delegation.

Mr. Sheldon presented the petition of inhabitants of Dane county, praying for a road to be laid out from Jefferson via Madison to New Mexico, in Green county.

Referred to the committee on roads and highways.

Mr. Wheeler presented the petition of Samuel Doolittle, praying for the exclusive right of a ferry across the Mississippi.

Referred to the following select committee, viz: Messrs. Wheeler, McKnight, and Cox.

On motion of Mr. Engle, the 28th standing rule of the house was suspended for the purpose of permitting the bills which passed this house yesterday to be sent to the Council for concurrence without being enrolled.

Mr. Engle then gave notice, that on to-morrow he would introduce a motion to rescind or change the 28th standing rule of the house.

Mr. Cox offered the following resolution:

Resolved, That in the opinion of this house the printing given to Messrs. Clarke & Co. was only the incidental printing of the proceedings of this house.

Mr. Teas called for the previous question, and it being put, "Shall the main question be now put?"

It was decided in the affirmative.

The main question was then put, and the yeas and nays being called for, were as follows:

Yeas: Messrs. Box, Boyls, Brunson, Brunet, Childs, Cornwall, Cox, Durkee, M'Gregor, M'Knight, M'Williams, Parkinson, Reynolds, Sheldon, Smith, Shanley, Sholes, Teas, and, Leffler, speaker—19.

Nays: Messrs. Blair, Chance, Engle, Jenkins, Quigley, and Wheeler—6.

So the resolution was adopted.

Mr. Quigley offered the following resolution:

Resolved, That it is an established principle of law and justice, that no man nor body of men can take advantage of their own mistakes, and that this house has not the power of abrogating a solemn contract with a second party, entered into by themselves, without the consent of said second party.

Mr. Parkinson moved to lay the resolution on the table until the 4th of July next, and called for the yeas and nays. The yeas and nays being taken,

It was decided in the affirmative.

Those who voted in the affirmative are,

Messrs. Boyls, Brunson, Brunet, Childs, Cornwall, Cox, Durkee, M'Knight, M'Williams, Parkinson, Reynolds, Sheldon, Smith, Shanley, and Sholes—15.

Those who voted in the negative are,

Messrs. Blair, Box, Chance, Engle, Jenkins, M'Gregor, Quigley, Teas, Wheeler, and Leffler, speaker—10.

Mr. Engle offered the following resolution:

Resolved, That the resolution of this house, adopted on the 7th of Nov., appointing James Clarke & Co. printers to this house, does give the printing of the journal of the present session to those gentlemen, whatever may have been the indivi-

dual opinion of members concerning their intention as to the extent of the said resolution.

The previous question being called for, was put in these words:

"Shall the main question be now put?" and decided in the affirmative.

The main question was then put, and the yeas and nays were as follow:

Yeas:—Messrs. Box, Chance, Engle, Jenkins, M'Gregor, M'Williams, Nowlin, Quigley, Smith, Wheeler, and, Leffler, speaker—11.

Nays:—Messrs. Boyls, Brunson, Brunet, Childs, Cornwall, Cox, Durkee, M'Knight, Parkinson, Reynolds, Sheldon, Shanley, Sholes, and Teas—14.

So the resolution was not adopted.

Mr. Quigley offered the following resolution:

Resolved, That the resolution offered by Mr. Cox this day on the subject of printing, is a reconsideration of the vote of the 7th November, 1837.

On motion of Mr. Shanley,

The said resolution was indefinitely postponed.

Ayes, 17:—Nays, 4.

Mr. Engle offered the following resolution:

Resolved, That the resolution of this house, passed on the 7th day of Nov. last, electing Jas. Clarke & Co., printers to this house, stands as the judgment of this house, and cannot be altered or rescinded by any other resolution which this house may adopt.

Mr. Cox moved to lay the resolution on the table till the 4th day of July next.

And the question being taken,

It passed in the affirmative.

The yeas and nays being called for, were as follow:

Yeas:—Messrs. Boyls, Brunson, Brunet, Childs, Cornwall, Cox, M'Knight, Parkinson, Reynolds, Sheldon, Shanley, Sholes, and Teas—13.

Nays:—Messrs. Box, Chance, Durkee, Engle, Jenkins, M'Gre-

gor, M^cWilliams, Nowlin, Quigley, Smith, Wheeler, and Lefler, speaker—12.

On motion of Mr. Parkinson,

Resolved, That a select committee be appointed to draft a memorial to Congress, praying for an appropriation for the improvement of the navigation of the Pecatonica river, and that said committee report to this house on to-morrow.

Messrs. Parkinson, Smith, M^cKnight, Shanley, and Cox, were appointed the committee.

Mr. Brunson, from the committee on engrossed bills, reported bill No. 41 to be correctly engrossed.

Mr. Sheldon, chairman of the committee on the militia, reported a memorial to the secretary of war, relating to the defence of the frontier, which was read a first, second, and third time, passed, and ordered to be sent to the council for concurrence.

Message from the Council, by the secretary:

“Mr. Speaker,—The Council has concurred in bill No. 37, ‘A bill to divorce Mary M^cArthur, from her husband, John M^cArthur;’ and has receded from the disagreeing vote on the amendment made by the House of Representatives to the joint resolution in relation to the printing of the laws in the several papers of this territory.

“The amendment is concurred in.”

And then he withdrew.

Mr. Quigley, by leave, introduced bill No. 46, entitled “A bill to establish the boundary lines of the counties of Dubuque, Clayton, Jackson, Benton, Linn, Jones, Clinton, Johnson, Scott, Delaware, Buchanan, Cedar, Fayette, and Keokuck, and to provide for the location of the seats of justice in said counties, and for other purposes;” which was read the first time, and laid on the table.

Mr. Nowlin, by leave, introduced bill No. 47, entitled “A bill to provide for the assessment and collection of territorial taxes,” which was read the first time, and, on motion of Mr. Quigley,

Was laid on the table.

Bill No. 10, C. F., entitled "A bill organizing a board of county commissioners in this territory," was read the first time, and

Referred to the following select committee, viz:

Messrs. Engle, Quigley, Chance, Parkinson, and M'Williams.

On motion of Mr. Chance,

The house adjourned to 3 o'clock, P. M.

3 O'CLOCK, P. M.

On motion of Mr. Shanley, the House resolved itself into committee of the whole, Mr. Durkée in the chair, for the consideration of bill No. 4, entitled "A bill relating to the militia and public defence of the territory of Wisconsin. After some time the committee rose, reported by their chairman the progress made therein, and asked leave to sit again.

Leave was granted.

Mr. M'Williams made a motion to adjourn, and the question being put,

It was decided in the negative.

Mr. Brunson moved a reconsideration of the vote of yesterday, on the motion made by Mr. Chance, laying a resolution respecting printing, on the table until the fourth of July next.

Mr. Chance moved a call of the house. The roll was called, and absent members sent for.

Mr. M'Knight moved to adjourn, and, the question being taken,

It was decided in the affirmative.

So the house adjourned.

Thursday, December 7, 1837.

On motion of Mr. Engle,

The twenty-eighth rule was rescinded, and the following was substituted in lieu thereof.

Rule 28th.—It shall be in order for the committee on enrolments to report at any time.

On motion of Mr. Childs,

Leave of absence was granted to Hon. Charles Durkee for the remainder of the present session.

Mr. M^cWilliams, from the committee on enrolments, reported the following act, memorial, and resolution to have been correctly enrolled, viz :

“ An act to divorce Mary M^cArthur from her husband John M^cArthur.”

“ A memorial in favour of John Hood ;” and

“ A resolution in reference to La Point Island.”

The said act, memorial, and resolution were presented to, signed by the speaker, and the two former transmitted to the president of the Council for his signature.

Mr. Quigley, from the select committee, to which was committed bill No. 10, C. F. entitled “ A bill organizing a board of county commissioners,” reported said bill with an amendment.

The bill was then read the second time.

On motion of Mr. Sheldon,

The 18th rule was suspended in order that the bill might now be considered by the house.

The amendment reported was agreed to.

The bill was then read, and considered in the house, and Ordered to be engrossed for the third reading.

The sixteenth rule was then suspended, and the said bill was read the third time, passed, title thereof agreed to, and ordered to be sent to the Council for concurrence.

On motion of Mr. Quigley,

The rule, requiring all bills to be printed after a first reading, was suspended with regard to bill No. 46, entitled "A bill to establish the boundary lines of the counties, &c.," and the bill was then read the second time.

On motion of Mr. Nowlin,

The 18th rule was suspended, in order that said bill be now considered by the house.

The said bill was then considered, and on motion of Mr. Engle, the word "ten" in 19th section was stricken out, and the word "twenty" inserted.

On motion of Mr. Quigley,

The blank in the 13th section was filled with the word "Rochester."

On motion of Mr. Engle,

The blank in the 23d section was filled with the words "first day of March, 1838."

The said bill was then ordered to be engrossed, for a third reading.

The secretary of the Council being introduced, delivered the following message:-

"Mr. President,—I am directed to present for your signature 'An act to divorce Armstead W. Floyd from his wife Eleanor Floyd,' and 'Resolution relative to the publication of the laws in the several papers of this territory.'" And then he withdrew.

The said act and resolution were then presented to, signed by the speaker, and

Ordered to be returned to the president of the Council.

Mr. Teas, by leave, introduced bill No. 48, entitled "A bill to provide for building bridges:"

Which was read the first time, and

On motion of Mr. Nowlin, was laid on the table.

On motion of Mr. Quigley,

Bill No. 1 was taken up. Mr. Cox moved to strike out "one," in the 4th line of the 12th section, and insert "three;"

In the 5th line strike out "two," and insert "six;"

In the 6th line strike out "four," and insert "nine."

Mr. Childs moved to amend the amendment by striking out "three," and inserting "twelve."

Mr. Chance moved to lay the bill on the table, to be made the order of the day for Wednesday next:

Which was agreed to.

Mr. Nowlin moved to adjourn to 3 o'clock, P. M.

Which motion was decided in the negative.

Bill No. 16, entitled "A bill providing for taking the second census or enumeration of the inhabitants of the territory of Wisconsin," was then taken up, read the second time, and,

On motion of Mr. Teas, was laid on the table.

Bill No. 10, entitled "A bill respecting constables," was then read the second time.

Mr. Nowlin moved to go into committee of the whole on said bill:

Which was decided in the negative.

Mr. Nowlin then moved to adjourn.

Which motion was disagreed to.

On motion of Mr. Childs, the said bill was laid on the table.

Bill No. 18, entitled "A bill to abolish imprisonment for debt, and for other purposes," was read a second time, and made the order of the day for Monday next.

Mr. Nowlin moved to adjourn;

And the question being put, it was disagreed to.

Bill No. 7, entitled "A bill to prevent forcible entry and detainer," was read the third time, passed, the title thereof agreed to, and ordered to be sent to the Council for concurrence.

Mr. Chance moved to adjourn, which was disagreed to.

Bill No. 41, entitled "A bill to lay out a territorial road east of the Mississippi, and for other purposes," was then read the third time, passed, the title thereof agreed to, and ordered to be sent to the Council for concurrence.

Mr. Chance moved to adjourn, which motion was disagreed to.

The yeas and nays being called for, on the motion to adjourn, were as follow :

Yeas :—Messrs. Chance, Engle, M^cWilliams, Nowlin, Quigley, Smith, Wheeler, and Leffler, speaker—8.

Nays :—Messrs. Box, Boyls, Brunson, Brunet, Childs, Cornwall, Cox, M^cKnight, Reynolds, Shanley, Sholes, and Teas—14.

Bill No. 13, Council file, entitled "A bill to establish a county treasurer," was read a first time, and,

On motion of Mr. Engle, the different rules were suspended in reference thereto, and the said bill was read the second time.

Mr. Nowlin moved to go into committee of the whole for the consideration of said bill, and on this motion

The yeas and nays being called for, were as follow :

Yeas :—Messrs. Box, Childs, Cornwall, Chance, Engle, Nowlin, Quigley, Reynolds, Sheldon, Smith, Shanley, and Wheeler—12.

Nays :—Messrs. Boyls, Brunson, Brunet, Cox, Jenkins, M^cKnight, M^cWilliams, Parkinson, Sholes, Teas, and Leffler, speaker—11.

The house then went into committee of the whole, Mr. Sheldon in the chair, having the said bill No. 13, under consideration. After some time, the committee rose and reported the bill with an amendment.

The house agreed to the amendment of the committee, and Ordered the bill to be engrossed for a third reading.

Mr. Engle moved to suspend the sixteenth rule, in order that said bill be read a third time now.

The motion was disagreed to.

Mr. Nowlin moved to adjourn, which was disagreed to.

Bill No. 19, Council file, entitled "A bill to enforce the payment of certain moneys into the several county treasuries," was read the first time.

Mr. Chance moved to suspend the rule requiring bills to be printed on being read a first time in reference to said bill.

The yeas and nays being called for, were as follow :

Yeas :—Messrs. Box, Chance, Engle, Jenkins, Nowlin, and Quigley—6.

Nays:—Messrs. Boyls, Brunson, Brunet, Childs, Cornwall, Cox, M'Knight, M'Williams, Parkinson, Reynolds, Sheldon, Shanley, Sholes, Teas, and Leffler, speaker—15.

So the house refused to suspend the rule.

Mr. Nowlin moved to take up a preamble and resolution offered by Mr. Shanley on yesterday relative to a pre-emption law, which was disagreed to.

On motion of Mr. Engle,

Bill No. 12, entitled "A bill for the partition of the half breed lands, and for other purposes," and

Report No. 15, relating to said bill were read, and

On motion of Mr. Cox, were referred to the judiciary committee.

Mr. Nowlin moved to adjourn, which was disagreed to.

The house then took up the motion made by Mr. Brunson on yesterday for the reconsideration of the vote on a motion made by Mr. Chance, laying a resolution respecting printing of the journal on the table, until the 4th of July next.

And the question being put "Shall the house reconsider the said vote?"

It passed in the affirmative.

The yeas and nays being called for, were as follow:

Yeas:—Messrs. Boyls, Brunson, Brunet, Childs, Cornwall, Cox, Jenkins, M'Knight, M'Williams, Parkinson, Reynolds, Sheldon, Shanley, Sholes, and Teas—15.

Nays:—Messrs. Blair, Box, Chance, Engle, M'Gregor, Nowlin, Quigley, Smith, Wheeler, and Leffler, speaker—10.

The resolution is as follows:

Resolved, that C. Sholes, editor of the Wisconsin Democrat, at Green Bay, be employed to print the journal of this house for the present session, and that he be allowed the usual price for the same.

Mr. Engle offered the following amendment:

"And that he be paid for the same out of the territorial treasury."

The question was taken on the amendment, and the yeas and nays were as follow:

Yeas:—Messrs. Engle, Nowlin, and Quigley—3.

Nays:—Messrs. Blair, Box, Boyls, Brunson, Brunet, Childs, Cornwall, Chance, Cox, Jenkins, M'Gregor, M'Knight, M'Williams, Parkinson, Reynolds, Sheldon, Smith, Shanley, Sholes, Teas, Wheeler, and Leffler, speaker—22.

The amendment was lost.

Mr. Nowlin offered the following amendment:

“That he be paid out of the county treasuries of the counties of Iowa, Des Moines, Crawford, Brown, and Milwaukee.

The yeas and nays being called for on the amendment, were as follow:—

Yeas:—Messrs. Nowlin and Quigley.

Nays:—Messrs. Blair, Box, Boyls, Brunson, Brunet, Childs, Cornwall, Chance, Cox, Engle, Jenkins, M'Gregor, M'Knight, M'Williams, Parkinson, Reynolds, Sheldon, Smith, Shanley, Sholes, Teas, Wheeler, and Leffler, speaker—23.

Mr. Chance offered the following amendment:

“That he be paid by the members voting for him.”

The yeas and nays being taken on the amendment, were as follows:

Yeas:—Messrs. Cornwall, Chance, Nowlin, and Teas—4.

Nays:—Messrs. Blair, Box, Boyls, Brunson, Brunet, Childs, Cox, Engle, Jenkins, M'Gregor, M'Knight, M'Williams, Parkinson, Quigley, Reynolds, Sheldon, Smith, Shanley, Sholes, Wheeler, and Leffler, speaker—21.

Mr. Parkinson called for the previous question.

The previous question was then put in these words:

“Shall the main question be now put?” and decided in the affirmative.

The main question was then put, and the yeas and nays being called for, were as follow:

Yeas:—Messrs. Boyls, Brunson, Brunet, Childs, Cornwall, Cox, Jenkins, M'Knight, Parkinson, Reynolds, Sheldon, Shanley, Sholes, and Teas—14.

Nays:—Messrs. Blair, Box, Chance, Engle, M'Gregor, M'Williams, Nowlin, Quigley, Smith, Wheeler, and Leffler, speaker—11.

So the resolution was adopted.

Mr. Shanley gave notice that he would, at a future day, bring

in a bill to establish a ferry across the Mississippi river at Carville.

On motion of Mr. Engle,
The house adjourned.

Friday, December 8, 1837.

Mr. Quigley presented a memorial of sundry inhabitants of the territory of Wisconsin, relating to the half breed lands.

Referred to the judiciary committee.

On motion of Mr. Parkinson,

Resolved, By the Council and House of Representatives of the territory of Wisconsin, That the public interest requires that a land office be established at Madison, in the county of Dane, in the territory of Wisconsin, and that a copy of this resolution be forwarded to the Hon. G. W. Jones, our delegate in Congress.

On motion of Mr. Parkinson,

The following preamble and resolution were adopted :

Whereas, the importance of removing the obstructions and opening the navigation of the Pecatonica river is a subject of vital interest to this territory, the vast mineral region in which it has its source, the fertility of the country known as the Pecatonica, the fast settling of a substantial agricultural population, in conjunction with a numerous and persevering class of miners, all of whom are interested in the improvement of said river, as an outlet to commercial intercourse :

And whereas, in the opinion of the legislative assembly, this important avenue of trade, by a small appropriation by Congress, would open an internal communication through the most interesting portion of the mineral region :

And whereas, the improvement of that part of the river which is most required, lying within the lands owned by the govern-

ment, the additional value of which would be increased more than equivalent to the amount required for the purpose of removing the obstructions in the navigation of said river; Therefore,

Resolved, By the Council and House of Representatives, That our delegate in Congress be requested to ask of the Congress of the United States, an appropriation of twenty thousand dollars for the removing of obstructions in said river.

Ordered, that the Council be requested to concur therein.

On motion of Mr. Nowlin,

The house resolved itself into a committee of the whole, Mr. Sheldon in the chair, having bill No. 16 under consideration, entitled "A bill providing for taking the second census or enumeration of the inhabitants of the territory of Wisconsin."

After some time the committee rose, and reported said bill with amendments.

The amendments were agreed to by the house.

The bill was then ordered to be engrossed for a third reading.

On motion of Mr. Smith,

The house resolved itself into a committee of the whole on bill No. 4, entitled "A bill relating to the militia and public defence of the territory of Wisconsin," Mr. M. Williams in the chair.

The secretary of the Council being announced, the speaker took the chair, and the following message was received:

"Mr. Speaker—The Council have passed the following resolution:

"Resolved, By the Council and House of Representatives of the territory of Wisconsin, That the president of the Council is hereby authorized and required to draw his warrant on the secretary of the territory, for the sum of fourteen hundred and thirteen dollars and forty-four cents, the amount of the account of Jeremiah Smith, for furniture, &c., furnished for the use of the territory, up to the 25th day of November, 1837:"

"In which I am directed to ask the concurrence of the House of Representatives."

And then he withdrew.

The committee resumed its session, and after some time rose and reported the bill by their chairman, with amendments.

The house agreed to the amendments of the committee, and ordered the bill to be engrossed for a third reading.

Mr. Shanley, agreeably to notice, introduced bill No. 49, entitled "A bill to establish a ferry across the Mississippi river, at Cassville:"

Which was read the first time, and laid on the table.

On motion of Mr. Cox, the rule requiring all bills to be printed, on being read a first time, was suspended in reference to bill No. 19, Council file; and,

On motion of Mr. Nowlin,

The house resolved itself into committee of the whole on bill No. 19, entitled "A bill to enforce the payment of certain moneys into the several county treasuries;" Mr. Quigley in the chair.

And after a short time, the committee rose and reported by their chairman the bill without amendment.

The report of the committee was agreed to, and the said bill was ordered to be engrossed for a third reading.

On motion of Mr. Boyls, the sixteenth rule was suspended, and the said bill was read a third time, passed, the title thereof agreed to, and

Ordered, that the Council be informed.

On motion of Mr. Engle,

Bill No. 46, entitled "A bill to establish the boundary lines of the counties of Dubuque, Clayton, Jackson, Benton, Linn, Jones, Clinton, Johnson, Scott, Delaware, Buchanan, Cedar, Fayette, and Keokuck, and to provide for the location of the seats of justice in said counties, and for other purposes," was read the third time, passed, the title agreed to, and

Ordered to be sent to the Council for concurrence.

Mr. Smith moved to adjourn.

Mr. Teas moved to amend, by adding, "till 3 o'clock, P. M."

The question on the amendment and motion were severally put and lost.

On motion of Mr. Nowlin,

The house resolved itself into committee of the whole, on

bill No. 10, entitled "A bill respecting constables," Mr. Childs in the chair.

And after some time, the committee rose, and, by their chairman, reported the bill with amendments.

The report of the committee was agreed to, and the said bill was ordered to be engrossed for a third reading.

Mr. Jenkins moved to reconsider the vote on the resolution offered yesterday, relative to printing the Journal.

Laid on the table.

Mr. Teas gave notice, that at some future day he would introduce a bill concerning divorce and alimony.

On motion of Mr. Teas,

The house adjourned.

Saturday, December 9, 1837.

Mr. Quigley presented the petition of inhabitants of Davenport, for the exclusive right of a ferry across the Mississippi river at that place.

Referred to the same select committee, to which were referred previous petitions on the same subject.

Mr. Cornwall presented the petitions of inhabitants of Walworth county, praying for the location of the county seat of said county, and the petition of inhabitants of Milwaukee county, praying for the organization of a new township to be called Salem.

Referred to the select committee, to which were referred previous petitions of inhabitants of said counties, and

Mr. Childs was appointed an additional member of the said committee.

On motion of Mr. Sholes,

The house proceeded to elect a sergeant-at-arms pro tem.

W. N. Seymore was declared to be duly elected, and was sworn into office.

Mr. Sheldon presented a petition of inhabitants of Milwaukee county, praying for the location of a territorial road from Milwaukee, via Fox river ferry and mouth of Catfish, to the state line of Illinois, near Galena.—Referred to the following select committee:—Messrs. Sheldon, Cornwall, and Boyls.

The house then took up the resolution received from the Council yesterday, relative to the account of Jeremiah Smith, and referred the same to the committee on expenses.

Bill No. 10 was then taken up.

On motion of Mr. Quigley, the bill was recommitted to a committee of the whole, and,

On motion of Mr. Quigley,

The house resolved itself into committee of the whole; Mr. Childs in the chair, having bill No. 10 under consideration, entitled "A bill respecting constables." After some time the committee rose, and by their chairman reported the bill with amendments.

The house agreed to the amendments of the committee, and Ordered the bill to be engrossed for a third reading.

Mr. M'Williams, from the committee on enrolments, informed the house, that on yesterday he presented to the executive for his approval, "An act to divorce Mary M'Arthur from her husband, John M'Arthur," and "A memorial in favour of John Hood."

Bill No. 16, entitled "A bill providing for the taking the second census, or enumeration of the inhabitants of the territory of Wisconsin," was then announced by the speaker ready for a third reading.

Mr. Cox moved that the said bill be laid on the table, and made the order of the day for Wednesday next.

The motion was lost.

The following message was received from the executive:

"Territory of Wisconsin, Executive
Department, Burlington, Dec. 8, 1837. }

"To the Hon. the Speaker of the House of Representatives:—

"Sir—I have examined and approved,

" 'An act to divorce Mary M'Arthur from her husband, John M'Arthur,' and

" 'A memorial in favour of John Hood;'

" And herewith return the same to the House of Representatives, in which they originated.

" Very respectfully your ob't. serv't.

" HENRY DODGE."

On motion of Mr. Cox,

The roll was called, and absent members sent for.

Mr. Childs moved to lay bill No. 16 on the table, until next Wednesday week.

Mr. Engle moved to amend the motion, by striking out "next Wednesday week," and inserting "Monday next."

The question was taken on the amendment, and lost.

Mr. Engle moved to amend the motion, by making said bill the order of the day for Thursday next.

The amendment was lost.

Mr. Teas moved to amend the motion, by making said bill the order of the day for Tuesday next, which was disagreed to.

The question then recurred on the motion of Mr. Childs, and on that question the ayes and nays were called for, and were as follow:

Ayes—Messrs. Boyls, Brunson, Brunet, Childs, Cornwall, Cox, M'Knight, M'Williams, Parkinson, Sheldon, Smith, Shanley, and Sholes—13.

Nays—Messrs. Box, Blair, Chance, Engle, Jenkins, M'Gregor, Nowlin, Quigley, Reynolds, Teas, Wheeler, and Leffler, speaker.—12.

So the bill was laid on the table until Wednesday week,

The house adjourned.

Monday, December 11, 1837.

Mr. Jenkins presented the petition of inhabitants of Henry county, praying for the passage of an act to remove obstructions to the navigation of Skunk river.—Referred to the following select committee, viz:

Messrs. Jenkins, Teas, Chance, Box, and Blair.

On motion of Mr. Cox,

Resolved, That a committee of six be appointed, to be composed of one member from each of the original counties, on election districts, to take under consideration the apportionment of the members of the House of Representatives.

The following persons were appointed said committee:

Messrs. Cox, M'Williams, Cornwall, Quigley, Chance, and Brunson.

Mr. M'Williams, from the committee on enrolments, reported the following to be correctly enrolled:

No. 9, "An act to establish a university at Green Bay;"
No. 19, "An act to enforce the payment of money into the several county treasuries."

They were then presented to, signed by the speaker, and transmitted to the president of the Council for his signature.

Bill No. 9, entitled "A bill to establish a territorial road from the Forty mile Point, &c.," was referred to the following select committee, viz:

Messrs. Nowlin, Reynolds, and M'Knight.

Bill No. 29, entitled "A bill to locate a territorial road from Fort Howard to Fort Winnebago," &c., was then read a second time, and

On motion of Mr. Childs, the different rules were suspended in relation to the said bill, and the following amendments were made:

Sec. 1, in the 3d line, insert "Corwell Pyre;" in the 13th line, strike out "east," and insert "west."

Sect. 2, in the 2d line, strike out "February," and insert "March."

Insert, in Sect. 8, "This act shall take effect from and after its passage."

The bill was then ordered to be engrossed for a third reading.

Bill No. 15, entitled "A bill to provide for the removal of county seats in the territory, and for other purposes," was read a second time, and

On motion of Mr. Shanley, the rule requiring bills to be considered in committee of the whole, on being read a second time, was suspended.

Mr. Cox offered the following amendments: Strike out the word "not," and all after the word "removed," in the 4th line, 1st sec., to the word "and," in the 7th line, and insert instead thereof, the words, "when a majority of the citizens of the county shall deem it expedient:"

Which amendments were agreed to.

On motion of Mr. Shanley,

The bill was indefinitely postponed.

Bill No. 8, Council file, entitled "A bill to locate and establish a territorial road from Fort Howard to Fort Winnebago, on the west side of Fox river, and for other purposes," was then read, and

On motion of Mr. Childs, was laid on the table.

Bill No. 13, Council file, entitled "A bill to establish a county treasurer," was read the third time, passed, and

On motion of Mr. Engle, the title of the bill was amended to read, "A bill to provide for the election of county treasurers, and to define their duties."

Ordered that the Council be informed.

Mr. Childs, by leave, introduced a bill, (No. 50,) entitled "A bill to amend an act entitled an act prescribing the duties of coroners;" which was read the first time, and,

On motion of Mr. Chance,

The rule requiring all bills to be printed before a second reading was suspended, and

The bill was read the second time.

On motion of Mr. Childs,

The 18th rule, requiring bills to be considered in committee of the whole, on being read a second time, was suspended, and The bill was ordered to be engrossed for a third reading.

On motion of Mr. Sheldon,

The house resolved itself into a committee of the whole on Bill No. 18, entitled "A bill to abolish imprisonment for debt, and for other purposes."

Mr. Engle in the chair. After some time the committee rose and reported, by their chairman, the bill, with amendments, which were agreed to by the house; and the bill, as amended, was ordered to be engrossed for a third reading.

The following message was received from the Council by their secretary:

"Mr. Speaker,—The Council has concurred in the bill (No. 35,) of this house, entitled, 'A bill to establish the boundaries of the counties of Lee, Van Buren, Des Moines, Henry, Louisa, Wayne, and Slaughter, to locate the seats of justice of said counties, and for other purposes;' also, 'in the resolution respecting a land office at Madison, and in the amendment made by the house to bill No. 12, Council file, entitled 'a bill organizing a board of county commissioners in each county in this territory.'"

And then he withdrew.

Mr. Engle, from the committee on the judiciary, to which was referred bill No. 12, entitled 'A bill for the partition of the half breed lands, and for other purposes,' reported a substitute therefor, which was read the first time, and laid on the table.

The motion of Mr. Jenkins to reconsider the vote on the following resolution was then taken up:

Resolved, That C. C. Sholes, editor of the Wisconsin Democrat at Green Bay, be employed to print the Journal of this house for the present session, and he be allowed the usual price for the same.

Mr. Engle moved to lay the motion on the table until Wednesday next;

Which was disagreed to.

On motion of Mr. Cox,

The roll was called, and absent members sent for.

Mr. Sholes had leave to withdraw from the house.

The question was then taken on the motion for reconsideration, and on that question the ayes and noes were called for, and were as follow:

Ayes:—Messrs. Blair, Box, Chance, Engle, Jenkins, M'Williams, Nowlin, Quigley, Smith, Wheeler, Leffler, speaker—11.

Noes:—Messrs. Boyls, Brunson, Brunet, Childs, Cornwall, Cox, M'Knight, Parkinson, Reynolds, Sheldon, Shanley, and Teas—12.

Bill No. 10, entitled "A bill respecting constables," was then taken up, read the third time, passed, title agreed to, and ordered to be sent to the Council for concurrence.

Mr. Quigley gave notice that he would, at some future day, bring in a bill concerning steamboats.

Mr. Nowlin gave notice that he would, at some future day, introduce "a bill for locating and establishing a road from Davenport, in Scott county, to Bellevue, in Jackson county."

Mr. Teas gave notice that he would, at some future time, bring in a bill to establish a college at Mount Pleasant in Henry county.

Mr. Blair gave notice that he would, at some future day, introduce a bill to establish a ferry on the Mississippi river, opposite Oquawka.

Mr. Cox gave notice that he would, at some future day, bring in a bill to make the several laws of this territory, relative to county government, applicable to the county of Grant.

The house then adjourned.

Tuesday, December 12, 1837.

Mr. Teas presented the petition of William Sawtell, praying to be remunerated for services rendered as assessor of Des Moines county,

Referred to the following select committee: Messrs. Teas, Box, and Blair.

Mr. Smith presented the petition of Mary Williams, praying for divorce.

Referred to the following select committee: Messrs. Smith, McKnight, and Shanley.

Mr. M^cWilliams, from the committee on enrolments, reported,

A resolution respecting a land office at Madison, to be correctly enrolled.

The said resolution was then presented to, signed by the speaker, and ordered to be sent to the president of the Council for his signature.

Mr. Brunson, from the select committee to which was referred bill No. 4, entitled "A bill to incorporate the stockholders of the North-west Mining Company," reported the same with amendments.

The said bill was then read the second time.

Mr. Teas moved that the bill be indefinitely postponed.

The motion was lost.

On motion of Mr. Smith,

The bill was laid on the table, and ordered to be printed.

Mr. McKnight, from the committee on corporations, reported bill No. 51, entitled "A bill to incorporate the Davenport Manual Labour College;"

Which was read the first time, and laid on the table.

Mr. Brunson, agreeably to notice, introduced bill No. 52, entitled "A bill to authorize T. P. Burnet and Alexander McGregor to keep a ferry across the Mississippi river;" which was read the first time, and laid on the table.

Mr. Teas, agreeably to previous notice, introduced bill No. 53, entitled "A bill to establish Jefferson College at Mount Pleasant, in Henry county;"

Which was read the first time, and laid on the table.

Mr. Nowlin, by leave, introduced bill No. 54, entitled "A bill to authorize the board of county commissioners of Jackson county to build a bridge across Mill creek, and to levy a tax to pay for the same."

Read the first time, and laid on the table.

Mr. Childs, by leave, introduced bill No. 55, entitled "A bill defining the boundaries of Portage county, and for other purposes;" which was read the first time, and laid on the table.

Bill No. 21, entitled "A bill to incorporate the Rock river Canal company," was then taken up, read the second time, and

On motion of Mr. Childs, the house resolved itself into a committee of the whole on said bill, Mr. Teas in the chair.

The secretary of the Council being announced, the speaker resumed the chair, and the following message was delivered:

"Mr. Speaker—The Council concur in the amendments made by this house to bill No. 13, Council file, entitled "A bill to provide for the election of county treasurers, and to define their duties.

"I am directed to present a substitute for the resolution from this house, authorizing the secretary of the territory to employ a suitable person to draft maps of the territory, in which substitute the concurrence of the house is requested;"

And then he withdrew.

The committee resumed its session, and after some time rose, reported the progress made therein, and asked leave to sit again.

Leave was granted.

The house adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

On motion of Mr. Chance,

The house resolved itself into a committee of the whole, on bill No. 21, entitled "A bill to incorporate the Rock river canal Company:"

Mr. M. Williams in the chair.

After some time spent therein, the committee rose, and by their chairman reported the said bill with amendments;

Which were agreed to by the house.

The bill was further amended by inserting in the 6th section and 10th line, between the words "lease" and "said," the words "or sell."

In the 11th line of the same section, strike out the words "or

sell and dispose of it for ever," and insert the words "not to exceed fifty years from the passage of this act."

Mr. Cox moved the following amendment: in section 23, between lines 6 and 7, insert "deducting, however, from the cost of such construction, the amount received for sales or leases of water privileges, as authorized by the sixth section of this act," when,

On motion of Mr. Sheldon,

The bill was laid on the table.

The house adjourned.

Wednesday, December 13, 1837.

The house convened in the library room, the capitol having been consumed by fire between the hours of two and four o'clock this morning.

On motion of Mr. Childs, a committee of three was appointed to procure a hall for the use of the House of Representatives for the remainder of the present session, viz:

Messrs. Childs, Teas, and Cox.

On motion of Mr. Sholes,

Resolved, That a committee of three be appointed to act in conjunction with a similar committee to be appointed by the Council, with power to send for persons and papers, to investigate the origin of the late fire by which the capitol was destroyed.

Messrs. Sholes, Quigley, and Chance were appointed the committee.

Ordered, that the Council be informed.

The house adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

The house met, pursuant to adjournment.

A message was received from the Council, informing the house that the Council had concurred in the resolution, appointing a joint committee to investigate the origin of the late fire, and have appointed Messrs. Teas, Foley, and Terry, the committee on their part.

Mr. Childs, chairman of the select committee appointed to procure a room for the use of this house, made the following report:

"The select committee appointed to procure a room for the use of this house during the remainder of the present session, beg leave respectfully to report, that they have examined several, and have procured one of Messrs. Webber and Remey, which will be in readiness to-morrow at 10 o'clock, A. M."

On motion of Mr. Cox,

Resolved, That this house do concur in the report of the committee, and that the committee be discharged from the further consideration of the subject.

Mr. Childs offered the following resolution, which was laid on the table.

Resolved, That a committee of three be appointed in conjunction with a similar committee on the part of the Council, to memorialize the Congress of the United States to remunerate Major Jeremiah Smith, and others, for the loss they have sustained by the unfortunate occurrence of last night.

The house adjourned to meet to-morrow at 10 o'clock, in the hall of Messrs. Webber and Remey.

Thursday, December 14, 1837.

The house met, pursuant to adjournment.

Mr. Sholes, from the select committee appointed on the part of the house, to act in conjunction with a similar committee, appointed by the Council to investigate the origin of the late fire, made the following report:

“Your committee, in conjunction with a similar committee, appointed on the part of the Council, proceeded in the performance of the duty assigned them, to take the testimony, under oath of those persons who were supposed to possess the most important information on the subject. That of John C. Madden, engineer of the steamboat Smelter, who first discovered the fire, and gave the alarm, together with the testimony of Joseph Y. Fales, doorkeeper of the House of Representatives, Smith Bowen, and J. B. Snowden, are herewith submitted, (see Appendix,) from which it appears that the fire originated in the Council chamber, from the chimney, and was altogether the result of accident. Your committee would therefore respectfully ask the adoption of the following resolutions:

“ ‘Resolved, That, in the opinion of this house, the late destruction by fire of the building, provided for the accommodation of the legislature, is not attributable to any carelessness on the part of any officer of the legislative assembly, or on the part of any other person or persons, nor can it be thought the work of an incendiary; but is to be considered the result of accident alone.

“ ‘Resolved, That the committee be discharged from the further consideration of the subject.’ ”

Ordered, that said report and resolutions do lie on the table.

On motion of Mr. Sheldon,

The house adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

Mr. Cox, from the committee on expenses, to which was referred a resolution sent from the Council, authorizing the president of the Council to draw his warrant in favour of Jeremiah Smith, for the amount of his account, reported in favour of the said resolution.

The resolution was then concurred in.

Mr. Cox presented the account of George Cabbage, adjutant general, which,

On motion, was referred to the committee on claims.

On motion of Mr. Engle,

The report of the committee appointed to investigate the origin of the late fire, which destroyed the capitol, was then read, and

The resolutions were adopted.

On motion of Mr. Engle,

Ordered, that the said report, and the testimony taken by said committee, be published.

The resolution, relative to the appointment of a committee to memorialize congress on the subject of the losses of Jeremiah Smith and others, by the fire on last Wednesday morning, 13th inst., was then taken up and agreed to.

Messrs. Childs, Sheldon, and Engle, were appointed the committee.

Mr. Engle, from the committee on the judiciary, to which was referred bill No. 5, Council file, entitled, "A bill regulating and defining the extent of the right of possessions on lands belonging to the government of the United States, and for other purposes," reported a substitute for the same, entitled, "A bill to prevent trespasses and other injuries being done to the possession of settlers on the public domain, and to define the extent of the right of possession on said lands;" which was read the first time, and,

On motion,

Ordered, That the rule requiring all bills to be printed after the first reading, be suspended with respect to said bill, which was then read a second time.

On motion of Mr. Engle, the house resolved itself into a committee of the whole on said bill; Mr. Teas in the chair.

After some time, the committee rose, and by their chairman reported said bill with amendments.

The amendments were agreed to, and the bill was ordered to be engrossed for a third reading.

Mr. M^cWilliams, from the committee on enrolments, informed the house, that on Tuesday last he presented to the executive for his approval a resolution respecting a land office at Madison.

On motion of Mr. Teas,

Resolved, That the thanks of this house are due to J. C. Madden, engineer of the steamboat Smelter, for his vigilance in discovering, and activity in giving notice of the fire in the capitol on the morning of the 13th inst.

Mr. Cox, from the committee on expenses, to which was referred the account of John Hues, reported in favour of allowing the same as per account rendered.

The report was agreed to.

Mr. Parkinson asked leave to withdraw the petition of John Loofborrow.

Leave was granted.

Mr. Cox, from the committee on expenses, to which was referred the account of Messrs. Webster, Burgess, and Morgan, asked that the account be referred to the committee on claims.

It was so referred.

On motion of Mr. Parkinson,

Resolved, That a committee be appointed to bring in a bill to provide for the payment of expenses that have accrued, or may hereafter accrue on account of criminals in this territory, and for other purposes.

Messrs. Parkinson, Jenkins, and Wheeler were appointed the committee.

Mr. Shanley, by leave, introduced bill No. 56, entitled, "A

bill to provide for the election of county surveyors, and to define their powers and duties."

Read the first time, and laid on the table.

The house adjourned.

Friday, December 15, 1837.

Mr. Chance presented the petitions of Mr. Jeremiah Smith Jr., of P. B. Harris, and others, for ferries across the Iowa river.

Referred to Messrs. Chance, Reynolds, and Blair.

On motion of Mr. Teas,

Resolved, That a select committee be appointed, to bring in a bill to provide for the manner of conducting the spring elections.

Messrs. Teas, Wheeler, Childs, Brunet, Parkinson, and Cornwall were appointed the committee.

Mr. Smith, from the committee to which was referred the petition of Mary Williams, reported bill No. 57, entitled "A bill to divorce Mary Williams from her husband, Thomas Williams;"

Which was read the first time. The rule requiring all bills to be printed, on being read the second time, was suspended in reference to said bill, and it was then read the second time and laid on the table.

Mr. Teas, agreeably to previous notice, introduced bill No. 58, entitled "A bill concerning divorce and alimony."

Read a first time, and laid on the table.

Mr. Box asked leave of absence for Dr. Jenkins until Tuesday next.

Leave was granted.

On motion of Mr. Engle,

Leave of absence was granted Alexander McGregor for twelve days.

Mr. Nowlin, agreeably to previous notice, introduced bill No. 59, entitled "A bill to locate and establish a territorial road from Dubuque to A. Bankston's."

Read the first time, and laid on the table.

Bill No. 1, entitled "A bill to provide for the appointing of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings," was taken up, and the following amendments were made:

In the 7th article, 12th section, and 4th line, strike out "one," and insert "three."

In the 5th line, same section, strike out "two," and insert "six;" and

In the 6th line, strike out "four," and insert "nine."

The 18th section of the third article was amended by adding,

"And the justice before whom suit is brought shall endorse upon the summons or warrant, the amount for which suit is commenced, with interest and cost."

The 3d section of the 8th article was amended by striking out "and body," in the 1st line, and all after "son," in the 3d line, to the end of the section, and adding "and make due return thereof."

The bill was then ordered to be engrossed for a third reading.

A message was received from his excellency, the governor, informing the house that he had examined and approved.

"A resolution respecting a land office at Madison, Wisconsin territory."

Bill No. 31, entitled "A bill to incorporate the Milwaukee and Rock river Canal Company," was then taken up.

The amendment to said bill proposed by Mr. Cox, on the 7th of December, was withdrawn.—Mr. Sheldon moved to amend, by striking out in the 6th section all after the word "canal," in the 7th line, to the end of said section. The amendment was agreed to.

The bill was then ordered to be engrossed for a third reading.

Bill No. 34, entitled "A bill to authorize the appointment of commissioners out of the territory, to take the acknowledgment of deeds, and instruments of writing under seal," was taken up.

On motion,

Ordered, that the rule requiring all bills to be printed on the first reading, be suspended with respect to bill No. 34.

The bill was then read the second time, and,

On motion of Mr. Sheldon,

The rule requiring all bills to be considered in a committee of the whole on a second reading, was suspended with reference to said bill.

Mr. Sheldon moved to amend the same, by inserting the words, "or more," between the words, "one" and "commissioner," in the 5th line of the 1st section; which was agreed to.

Mr. Sheldon moved further to amend, by inserting the words "or territories," between the words "states" and "of," in the 6th line of the 1st section. The amendment was agreed to.

The bill was then ordered to be engrossed for a third reading.

Bill No. 23, entitled "A bill to authorize the supervisors of Iowa county to borrow money for the erection of a court house and jail," was then read the second time, and,

On motion of Mr. Chance,

The house resolved itself into a committee of the whole on said bill; Mr. Sheldon in the chair.

After some time, the committee rose, and by their chairman, reported said bill with amendments.

The bill was further amended, by adding to the 2nd section, the following:

"Provided, That there shall be no liability for the payment of the principal sum so borrowed, except for the proper county for whose use it was borrowed, and upon such other county as may be attached to the same at the time the debt becomes due."

The house then agreed to the amendments made in committee, and

The bill was ordered to be engrossed for the 3d reading.

The following communication was received from the Council by their secretary.

"Mr. Speaker,—The Council has passed bills of the following titles, viz :

"No. 2, 'A bill to incorporate the Milwaukee and Racine Mutual Insurance Company.'

"No. 22, 'A bill providing for the recording of town plats.'

"No. 26, 'A bill to amend an act to incorporate the bank of Wisconsin.'

"No. 29, 'A bill to locate the seat of justice of Rock county.'

"No. 30, 'A bill to divorce Abraham Jones and Lucinda Jones from the bonds of matrimony, and for other purposes.'

"No. 31, 'A bill to establish the several towns in the counties of Milwaukee, Brown, and Racine, and the several counties thereto attached for judicial purposes.'

"No. 32, 'A bill to divorce Martha Newton from her husband, John C. Newton.'

"In which I am directed to ask the concurrence of the House of Representatives.

"The Governor has notified the Council, that he has approved and signed,

"'An act to establish the Wisconsin University of Green Bay,' and an

"'Act to enforce the payment of certain moneys into the several county treasuries.'"

And then he withdrew.

The house then adjourned till 3'clock, P. M.

3 O'CLOCK, P. M.

Mr. Brunson, from the committee on enrolments, reported bill No 35, entitled "A bill to establish the boundaries of the counties of Lee, Van Buren, &c.," to be correctly enrolled.

The bill was then signed by the speaker, and

Ordered to be sent to the president of the Council for his signature.

Mr. Brunson, from the committee on engrossed bills, reported bills Nos. 18, 29, 50, and 4, and a substitute for bill No. 5, Council file, to be correctly engrossed. Entitled as follow:

Bill No. 18, "A bill to abolish imprisonment for debt, and for other purposes."

Bill No. 29, "A bill to locate a territorial road from Fort Howard to Fort Winnebago, on the west side of Fox river, and for other purposes."

Bill No. 50, "A bill to amend an act entitled an act prescribing the duties of coroners."

Bill No. 4, "A bill relating to the militia and public defence of the territory of Wisconsin."

The substitute for bill No. 5, Council file, "A bill to prevent trespass and other injuries being done to the possessions of settlers on the public domain; and to define the extent of the right of possession on the said lands."

The above bills were severally read the third time, passed, titles agreed to, and ordered to be sent to the Council for concurrence.

The substitute received from the Council to a resolution passed by the house, authorizing the secretary of the territory to employ some suitable person to draft maps of the territory, was concurred in by the house.

Ordered that the Council be informed.

Bill No. 22, Council file, entitled "A bill providing for the recording of town plats," was read the first time, and laid on the table.

On motion of Mr. Sheldon,

Ordered, that the rule requiring all bills to be printed on being read a first time be suspended with respect to bill No. 1, Council file, entitled, "A bill to locate and establish a territorial road from the town of Milwaukee to Janesville."

The bill was then read a second time.

On motion of Mr. Sholes,

The house resolved itself into committee of the whole on said bill; Mr. Parkinson in the chair.

After some time, the committee rose, and by their chairman reported the bill without amendments.

The bill was ordered to be engrossed for the third reading.

On motion,

Ordered, that the sixteenth rule be suspended with respect to said bill.

The bill was then read the third time, passed, title agreed to, and

Ordered that the Council be informed.

On motion of Mr. Cox,

Resolved, That the committee on roads and highways be instructed to report a bill for the purpose of providing a general law relative to territorial roads.

On motion of Mr. Wheeler,

The different rules were suspended, so that bill No. 28, entitled "A bill to establish a ferry across the Mississippi and Grant rivers," was taken up, read a second time, and considered by the house.

Said bill was laid on the table, and made the order of the day for Tuesday next.

The house adjourned.

Saturday, December 16, 1837.

Mr. Teas, from the committee on roads and highways, reported bill

No. 60, entitled "A bill to provide for laying out and opening territorial roads;"

Which was read the first time.

The rule requiring all bills to be printed, on being read the first time, was suspended with reference to said bill, and it was then read the second time, and laid on the table.

Mr. Parkinson, from the select committee, appointed for that purpose, introduced bill

No. 61, entitled "A bill to provide for the payment of expenses in criminal cases;"

Which was read the first time.

The rule requiring all bills to be printed, on being read the first time, was suspended with reference to said bill, and

It was then read the second time, and laid on the table.

Mr. Nowlin, from the committee on claims, to which was referred the account of George Cabbage, adjutant general, submitted the following report and resolution, which were read and adopted.

The committee on claims, to which was referred an account of Colonel George Cabbage, adjutant general of the territory, for his quarterly salary, and some incidental expenses of his office, make the following report:

That the payment of the salary of the adjutant general, and the expenses of his office, are provided for by law, to be made out of the territorial treasury; and the account of Colonel Cabbage ought, the committee think, be presented to the auditor of the territory for examination, and liquidation, and certified by him to the treasurer of the territory, who would be fully authorized to pay the same without any action on the part of the legislature.

The committee therefore ask the adoption of the following resolution:

Resolved, that the committee be discharged from the further consideration of the subject.

On motion of Mr. Childs,

The house resolved itself into a committee of the whole on bill No. 14, entitled "A bill to incorporate the Wisconsin Insurance company;" Mr. Chance in the chair.

After some time the committee rose, and by their chairman reported the bill with amendments.

The house agreed to the amendments of the committee.

On motion of Mr. Quigley, the bill was amended, by adding to the 2nd section

"Provided, nothing herein contained shall give the said company any banking privileges."

The bill was then ordered to be engrossed for a third reading.

On motion of Mr. Teas,

Bill No. 30, Council file, entitled "A bill to divorce Abraham Jones and Lucinda Jones from the bonds of matrimony, and for other purposes;" and

Bill No. 32, Council file, entitled "A bill to divorce Martha Newton from her husband, John C. Newton," were read the first time, and

Referred to a select committee, consisting of Messrs. Chance, Reynolds, Teas, Childs, Boyls, Parkinson, and Sheldon.

On motion of Mr. Chance, said committee were authorized to send for persons and papers.

On motion of Mr. Cox,

Bill No. 29, Council file, entitled "A bill to locate the seat of justice of Rock county," was then read the first time.

The different rules were suspended with reference to said bill, and the same was then read the second time, and considered.

Mr. Sheldon moved to amend said bill by striking out in the first section, third line, the words, "passage of this act," and inserting "first day of July next;" which was agreed to.

The bill was then read a third time, passed, and the title agreed to.

Ordered, that the Council be informed.

Mr. Childs gave notice that he would, at some future time, bring in a bill to establish a ferry across the Mississippi river, opposite Fort Madison.

Mr. Teas gave notice that he would, at some future day, introduce a bill to establish a ferry across the Des Moines river, opposite the town of Rochester.

Bill No. 24, entitled "A bill concerning promissory notes, due bills, bills of exchange, &c., and to regulate the interest on money," was then taken up, and,

On motion,

Ordered, that the rule requiring all bills to be printed on being read the first time, be suspended with respect to said bill.

The bill was then read the second time, and

On motion of Mr. Teas, the House resolved into a committee of the whole on said bill; Mr. Sheldon in the chair. After some time the committee rose, and by their chairman reported the bill without amendment.

Ordered, that the said bill be committed to the committee on the judiciary.

Bill, No. 31, Council file, entitled "A bill to establish the several towns in the counties of Milwaukee, Brown, and Racine, and the counties attached for judicial purposes;" was read a first time, and

On motion, ordered, That the standing rule respecting printing, be suspended with reference to said bill

The bill was then read the second time, and,

On motion of Mr. Sholes, the house resolved itself into the committee of the whole, on said bill, Mr. Engle in the chair. After some time the committee rose, and by their chairman reported said bill with amendments.

The house agreed to the amendments made in committee, and the bill was ordered to be engrossed for a third reading.

Mr. Nowlin, from the committee on claims, to whom was referred the account of Webster, Burgess, and Morgan, submitted the following report and resolution, which were read and agreed to.

The committee on claims, to which was referred on account of Webster, Burgess, and Morgan, for stationary, &c. furnished the legislature in 1836, beg leave to make the following report:

The committee have been informed by the secretary of the territory that he has received a communication from the late secretary John S. Horner, and that said Horner has deposited at Green Bay the amount of one hundred and eighty dollars, a balance yet due Messrs. Webster, Burgess, and Morgan for stationary, &c. furnished the legislature last winter, and that the aforesaid gentlemen have been notified of the same.

Wherefore your committee ask the adoption of the following resolution:

Resolved, that the committee on claims be excused from the farther consideration of said account.

The following communication was received from the council by their secretary:

"Mr. Speaker,—The council has adopted a substitute for the memorial from the House of Representatives in relation to the defence of the frontier; in which the concurrence of the house is requested."

And then he withdrew.

Mr. Boyls gave notice that he would, at a future day, introduce a bill concerning debtors and their securities.

Mr. Shanley gave notice that he would, at a future day, bring in a bill respecting mechanics.

Mr. Teas gave notice that he would, at some future time, bring in a bill for the destruction of wolves.

Mr. Parkinson asked leave of absence for Mr. Box, till Tuesday next.

Leave was granted,

The house adjourned,

Monday, December 18, 1837.

The following message was received from the executive:

"Territory of Wisconsin, Executive }
"Department Burlington, Dec. 18, 1837. }

"To the Hon. the Speaker of the House of Representatives:

"Sir,— 'An act to establish the boundaries of the counties of Lee, Van Buren, Des Moines, Henry, Louisa, Wayne, and Slaughter, to locate the seats of justice of said counties, and for other purposes,' was presented for my examination and approval on the 16th inst. I respectfully ask of the house, of which you are the organ, to furnish me with all petitions which

have been presented to your body in relation to the aforesaid act.

“ Very respectfully,

“ Your ob’t serv’t,

“ HENRY DODGE.”

On motion of Mr. Engle,

Ordered, That the clerk furnish the executive with the petitions referred to in the said message.

Mr. Cornwall stated, that he had received a petition of ninety-two inhabitants of Walworth county, praying for the location of the county seat at Delevan, which was consumed by the late fire, and had not been presented to this house.

On motion of Mr. Sheldon,

Resolved, That the committee on the judiciary be instructed to bring in a bill, defining the manner of sales on mortgages and the right of redemption.

On motion of Mr. Quigley,

Resolved, That there be a select committee appointed to inquire what progress is made in the building of the public buildings, and in what situation the said buildings are in, at this time, as authorized by an act of the legislature, approved December 3, 1836, and report the result of their inquiry to this house.

Messrs. Quigley, Sheldon, and Cox, were appointed the committee.

Mr. Nowlin, from the select committee, to which was referred bill No. 9, entitled “ A bill to locate and establish a territorial road from Bloomington to the forty mile point on Cedar river,” reported a substitute for said bill;

Which was read the first time.

The rule to print was suspended in reference to the bill, and

It was read the second time, and laid on the table.

Mr. Engle, from the committee on the judiciary, to which was referred bill No. 24, entitled “ A bill concerning promissory notes, due bills, bills of exchange, &c., and to regulate the interest on money,” reported the same with amendments; which was read the second time, and laid on the table.

Mr. Engle, from the same committee, reported bill No. 62,

entitled "A bill for an act to amend an act, entitled 'An act to establish the judicial districts of the territory of Wisconsin, and for other purposes, and to regulate the time of holding courts in the several counties of this territory;'"

Which was read the first time.

The rule to print was suspended in reference to said bill, and It was then read the second time, and laid on the table.

Mr. Engle, from the same committee, reported bill No. 63, entitled "A bill relative to limited partnerships."

Which was then read the first time, and laid on the table.

Mr. Brunson, from the committee on engrossed bills, reported bills Nos. 14, 23, 31, and 34 to be correctly engrossed, viz:

No. 34, entitled "A bill to authorize the appointment of commissioners out of the territory to take the acknowledgment of deeds and instruments of writing under seal."

No. 31, entitled "A bill to incorporate the Milwaukee and Rock River Canal Company."

No. 14, entitled "A bill to incorporate the Wisconsin Insurance Company, at Green Bay."

The above bills were severally read the third time, passed, titles agreed to, and

Ordered to be sent to the Council for concurrence.

Bill No. 23, entitled "An act to authorize the supervisors of Iowa county to borrow money for the erection of a court house and jail," was then read a third time, passed, and the title amended to read

"A bill to authorize the boards of county commissioners of the several counties in the territory to borrow money for the purpose of erecting court houses and jails."

Ordered that the same be sent to the Council for concurrence.

Mr. M'Williams, from the committee on enrolments, reported bill No. 13, Council file, entitled "A bill to provide for the election of county treasurers, and to define their duties," to be correctly enrolled.

The bill was then presented to, signed by the speaker, and ordered to be sent to the president of the Council for his signature."

Mr. M'Williams, from the same committee, informed the house that on Saturday, the 16th inst., he presented to the executive, for his approval,

"An act to establish the boundaries of the counties of Lee, Van Buren, Des Moines, Henry, Louisa, Wayne, and Slaughter, to locate the seats of justice of said counties, and for other purposes."

Mr. Smith, in pursuance of previous notice, introduced bill No. 64, entitled "A bill to locate a territorial road from Janesville to the White Oak Springs," which was then read the first time, and laid on the table."

Mr. Boyls, in pursuance of previous notice, introduced Bill No. 65, entitled "A bill concerning debtors and their sureties," which was then read the first time, and, on motion, Referred to the committee on the judiciary.

The undermentioned bills were introduced in pursuance of previous notice, and severally read the first and second times, and laid on the table, the rule to print having been suspended.

By Mr. Quigley, (No. 66,) "A bill to provide for the collection of demands against boats and vessels."

By Mr. M'Williams, (No. 67,) "A bill to organize a board of public works."

Bill No. 21, entitled "A bill to subject real and personal estate to execution, and for other purposes," was read the second time, and laid on the table.

The substitute for "A memorial to the secretary of war, relating to the defence of the frontier," received from the Council, was then read and concurred in.

Ordered, that the Council be informed.

On motion of Mr. Sholes,

Bill No. 26, Council file, entitled "A bill to amend an act to incorporate the Bank of Wisconsin," was read a first time.

The different rules were suspended with reference to said bill, and the same was then read a second time and considered.

The bill was then ordered to be engrossed for a third reading.

The bill was then read a third time, passed, and the title agreed to.

Ordered that the Council be informed.

Bill No. 31, Council file, entitled "A bill to establish the several towns in the counties of Milwaukee, Brown, and Racine, and the counties attached for judicial purposes," was read a third time, passed, title agreed to, and

Ordered that the Council be informed.

Bill No. 26, entitled "A bill for the relief of the poor," was then taken up, and, on motion,

Ordered that the rule to print be suspended with reference to said bill.

The bill was then read a second time, and,

On motion of Mr. Quigley,

The house resolved itself into committee of the whole on said bill; Mr. Sholes in the chair.

After some time the committee rose, and, by their chairman, reported said bill without amendment.

The bill was then ordered to be engrossed for a third reading.

On motion of Mr. Parkinson,

Bill No. 25, entitled "A bill for an act to authorize the supervisors of Iowa county to build bridges, and for other purposes," was then taken up.

The rule to print was suspended in reference to said bill, and it was then read a second time.

On motion of Mr. Parkinson,

The house resolved itself into a committee of the whole on said bill; Mr. Childs in the chair.

After some time the committee rose, and, by their chairman, reported said bill with amendments. The house agreed to the amendments made in committee, and ordered the bill to be engrossed for a third reading.

Bill No. 63, entitled "A bill relative to limited partnerships," was taken up.

The rule to print was suspended with reference to said bill, which was then read the second time.

On motion of Mr. Engle,

The house resolved itself into a committee of the whole on said bill, Mr. Quigley in the chair.

After some time the committee rose, and by their chairman reported said bill without amendment.

The bill was then ordered to be engrossed for a third reading.

Bill No. 24, entitled "A bill concerning promissory notes, &c., together with the amendments of the committee on the judiciary, was taken up.

On motion of Mr. Engle,

The house resolved itself into a committee of the whole on said bill, Mr. Wheeler in the chair.

After some time the committee rose, and by their chairman reported said bill with amendments.

The amendments made in committee were agreed to.

The bill was further amended by adding the following section:

SECT. 6. All and every person liable as makers or endorsers of any note, or instrument of writing, may be sued separately and at the same time, as the holder thereof may see proper. Provided, that in no case shall the principal, interest, and damages be twice paid.

The bill was then ordered to be engrossed for a third reading.

Mr. Sheldon gave notice that he would, at some future day, bring in a bill to incorporate the Milwaukee Academy, to be located in the town of Milwaukee.

Mr. M^cWilliams gave notice that he would, on to-morrow, ask leave to introduce a bill authorizing Benjamin L. Webb to keep a ferry across the Wisconsin river at Helena, in the county of Iowa.

Mr. M^cKnight gave notice that he would, at some future day, bring in a bill to authorize Edward White to establish a ferry across the Mississippi river, at Fort Madison.

Mr. Parkinson gave notice that he would, at some future time, bring in a bill to authorize Wm. S. Hamilton to establish a ferry across the Wisconsin river at the English Prairie.

The house adjourned.

Tuesday, December 19, 1837.

On motion of Mr. Nowlin,

Leave of absence was granted to Mr. Chance, door-keeper, for two days,

Mr. Quigley presented the petition of inhabitants of Belleview, praying the legislative assembly to memorialize Congress to grant pre-emption to John D. Bell, of all the unimproved lots in the said town.

Referred to the select committee on pre-emption rights.

Mr. Reynolds presented the petition of sundry persons, praying for a law to provide for proving book accounts.

Referred to the committee on the judiciary.

Mr. Chance, from the select committee, to which were referred bills No. 30, entitled "A bill to divorce Abraham and Lucinda Jones from the bonds of matrimony, and for other purposes;" No. 32, "A bill to divorce Martha Newton from her husband, John C. Newton," reported substitutes for said bills, which were severally read the first time, and laid on the table.

Mr. Chance, from the select committee appointed to bring in bills for ferries across the Iowa river, reported

"Bill No. 68, entitled "A bill to authorize Jeremiah Smith, senior, to establish a ferry across the Iowa river at the county seat of Louisa county," and

Bill No. 69, "A bill to authorize Philip B. Harrison to establish a ferry across the Iowa river, at Florence, in Louisa county."

Which were severally read the first time, and laid on the table.

Mr. M^cWilliams, from the committee on enrolments, reported

Bill No. 1, Council file, entitled "An act to locate and establish a territorial road from Milwaukee to Janesville," and

"A resolution authorizing the secretary of the territory, to

procure maps of the same for the use of the legislative assembly," to be correctly enrolled.

They were then presented to, signed by the speaker, and

Ordered to be transmitted to the president of the Council for his signature.

Mr. Teas, from the select committee appointed for that purpose, reported

Bills No. 70, entitled "A bill for the relief of Wm. Sautell."

No. 71, "A bill to authorize Samuel Strong to establish a ferry across the Des Moines river opposite the town of Rochester in Van Buren county;" which were severally read the first time, and laid on the table.

On motion of Mr. Childs,

Resolved, That the sergeant-at-arms, door-keeper and assistant door-keeper, messenger, and assistant messenger be instructed to remain in attendance on the house until 9 o'clock, P. M. each and every day.

On motion of Mr. Teas,

Resolved, That a select committee be appointed to consist of one member from each county, to take into consideration the propriety of regulating by law the practice of medicine, and that said committee report by bill or otherwise.

Messrs. Teas, Engle, Parkinson, Brunson, M'Williams, and Cornwall, were appointed the committee.

Mr. Blair, by leave, introduced

Bill No. 72, entitled "A bill to authorize John J. Rinearson, and Walter Butler, to keep a ferry across the Mississippi, in Des Moines county;"

Which was read the first time, and laid on the table.

The undermentioned bills were introduced pursuant to previous notice, and severally read the first time, and laid on the table:

By Mr. M'Williams, bill No. 73, entitled "A bill to authorize Benjamin L. Webb to keep a ferry across the Wisconsin river, at Helena."

By Mr. Parkinson, bill No. 74, entitled "A bill to authorize Wm. S. Hamilton to establish and keep a ferry across the Wisconsin river."

By Mr. McKnight, bill No. 75, entitled "A bill to authorize Aaron White to establish and keep a ferry across the Mississippi river, at Fort Madison," and

No. 76, "A bill to establish a ferry across the Mississippi river, at the town of Davenport."

The secretary of the Council was introduced and delivered the following message:

"Mr. Speaker,—The Council has concurred in the adoption of the memorial from the house respecting the improvement of the navigation of the Pecatonica: and has adopted a substitute for the resolution from the house, appointing a joint committee to memorialize Congress on the subject of remunerating Major Jeremiah Smith and others, for the loss sustained by them from the fire, on the morning of the 13th inst.: in which substitute I am directed to ask the concurrence of the House of Representatives;"

And then he withdrew.

The substitute to bill No. 30, Council file, entitled "A bill to divorce Abraham Jones and Lucinda Jones from the bonds of matrimony, and for other purposes," was taken up, the different rules suspended in reference to said bill, and it was then read a second time.

On motion,

The house resolved itself into a committee of the whole on said bill; Mr. Chance in the chair.

After some time the committee rose, and reported the said bill to the house without amendment.

The question was then put—

"Shall the bill be engrossed and read a third time?" And upon this question the yeas and nays being called for, were as follow:

Yeas:—Messrs. Boyls, Brunson, Childs, Cornwall, Cox, Engle, Jenkins, McKnight, Parkinson, Quigley, Reynolds, Sheldon, Smith, Shanley, Sholes, Teas, Wheeler, and Leffler, speaker—18.

Nays:—Messrs. Blair, Box, Chance, M'Williams, and Nowlin—5.

So the bill was ordered to be engrossed for a third reading.

The sixteenth rule was suspended in reference to said bill,

And it was then read a third time, passed, title agreed to, and Ordered to be sent to the Council for concurrence.

Bill No. 42, entitled "An act to incorporate the town of Green Bay," was taken up and read the second time.

On motion of Mr. M'Williams,

The house resolved itself into a committee of the whole on said bill, Mr. Sholes in the chair.

After some time the committee rose and reported the bill with amendments.

The amendments were agreed to, and the bill was ordered to be engrossed for a third reading.

The house adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

On motion of Mr. Smith,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of passing a general probate law, regulating the powers and duties of judges and registers of probate, and report to the house as soon as practicable, by bill or otherwise.

Mr. M'Williams, from the committee on enrolments, reported the following acts and memorial to be correctly enrolled :

"An act to amend an act, entitled 'An act to incorporate the bank of Wisconsin.' "

"An act organizing a board of county commissioners in each county in this territory," and

"A memorial to the secretary of war, in relation to the defence of the frontier."

They were then presented to, signed by the speaker, and

Ordered to be sent to the president of the Council for his signature.

The standing rule, requiring all bills to be considered in committee of the whole, was suspended with reference to bill No. 28, entitled "A bill to establish a ferry across the Mississippi and Grant rivers," and

The following amendments were made:

In the fourth section, first line, strike out the word, "supervisors," and insert "county commissioners."

In the fourth line of the same section, insert the word "half," after the word "ones."

The bill was then ordered to be engrossed for a third reading.

Bills Nos. 2, Council file, entitled "A bill to incorporate the Milwaukee and Racine Mutual Fire Insurance Companies," and 17, Council file, entitled "A bill to incorporate the Beloit Seminary, in Rock county," were severally read the first and second times, the rule to print having been suspended with reference to said bills.

The house resolved itself into the committee of the whole, having said bills under consideration.

After some time the committee rose, and reported the bills without amendment.

The bills were then ordered to be engrossed for a third reading.

The 16th rule was then suspended, and said bills were read the third time, passed, and the titles agreed to.

Ordered that the Council be informed.

Bill No. 17, entitled "A bill to authorize Jean Brunet to establish and keep a ferry across the Wisconsin river," was read the second time.

The rule requiring all bills to be considered in committee of the whole was suspended with reference to said bill, and the following amendments were made:

In the second section strike out "county," and insert the word "court;" strike out "supervisors," and insert "county commissioners."

The bill was then ordered to be engrossed for a third reading.

The 16th rule was suspended, and the bill was read the third time, passed, and the title thereof agreed to.

Ordered to be sent to the Council for concurrence.

Bill No. 71, entitled "A bill to authorize Samuel Strong to establish a ferry across the Des Moines river, opposite the town of Rochester, in Van Buren county," and the substitute to

Bill No. 32, entitled "A bill to divorce Martha Newton from her husband, John C. Newton," were severally read the second

time, the rule to print having been suspended with reference to said bills.

The house resolved itself into the committee of the whole on said bills.

After some time the committee rose, and reported said bills without amendment.

The bills were then ordered to be engrossed for a third reading.

The 16th rule was suspended, and the bills were read the third time, passed, and the titles agreed to.

Ordered to be sent to the Council for concurrence.

The rule requiring all bills to be considered in committee of the whole was suspended with reference to bill No. 57, entitled "A bill to divorce Mary Williams from her husband, Thomas Williams;" which was then ordered to be engrossed for the third reading.

The 16th rule was suspended, and the bill was read the third time, passed, and the title thereof agreed to.

Ordered to be sent to the Council for concurrence.

Bill No. 52, entitled "A bill to authorize J. P. Burnet and Alexander McGregor to keep a ferry across the Mississippi river," was read the second time, the rule to print having been suspended with reference to said bill.

The rule requiring all bills to be considered in the committee of the whole was suspended, and the following amendment was made:

In the second section, third line, between the words "one" and "mile," insert the word "half."

The bill was then ordered to be engrossed for the third reading.

The 16th rule was suspended, and said bill was read the third time, passed, and the title thereof agreed to.

Ordered to be sent to the Council for concurrence.

Mr. Box gave notice, that on Tuesday next he should ask leave to bring in "A bill to authorize Isaac Garland to establish and keep a ferry across the Mississippi river at Montrose."

The house adjourned.

Wednesday, December 20, 1837.

The speaker stated, that he had received a communication from George Beatty, Esq., auditor of the territory, which he now submitted to the house.

" Burlington, December 19, 1837.

" To the hon. the speaker of the House of Representatives :

" Sir,

" In compliance with an act providing for the appointment of an auditor, and defining his powers and duties, the undersigned has the honour to report that, during the last session of the legislative assembly, he was appointed to that office, and immediately entered on its duties; but, upon examination of the laws in force in relation to the assessment and collection of territorial taxes, found that it was altogether impracticable to raise a revenue sufficient for the emergencies of the territory,—the whole of the taxes assessed being under the 23d section of the act, entitled 'An act to provide for the assessment and collection of the territorial revenue,' made payable into the treasuries of the several counties, for county purposes. For these reasons, he found himself unable to adopt any system by which a sum adequate to the necessary expenses of the territory could be raised; and consequently all demands against the territorial treasury remain unsettled.

" Subjoined is a list of the territorial officers, to whom salaries have been attached, under the laws now existing, and which are payable quarterly out of the territorial treasury, viz :

" Adjutant general of the militia, per annum, - \$100

" Attorney general of the territory, - - - - 250

" Treasurer of the territory, - - - - 60

" Auditor of the territory, - - - - 200

" The contingent expenses not ascertained.

" The first section of the act, heretofore referred to, provides that 'in cases where no provision has been made, or where he (the auditor) cannot liquidate any claim without further legis-

lative provision, he shall examine and report the same, and the facts concerning it to the legislature with his opinions thereon. Inobedience thereto, the undersigned submits to the consideration of the legislature the accompanying copy of an account presented by Justus De Seelhorst, sheriff of Iowa county, for the expenses of trial and conviction of Lynden B. M'Cumber, found guilty of manslaughter at the May term of the District Court in said county, which has been placed in his hands to be audited.

The undersigned respectfully recommends to your honourable body a revision of the laws on this subject, and the adoption of an efficient system, by which a revenue adequate to the expenses of the territory may be enacted. All which is respectfully submitted by

Your obedient servant,

GEORGE BEATTY.

Read and referred to the committee on finance.

Mr. Sholes offered the following resolution:

Resolved, (if the Council concur,) That the legislative assembly adjourn on the 5th day of January next, to meet at Green Bay on the 1st Monday of June next.

On motion of Mr. Chance,

The said resolution was indefinitely postponed.

Mr. Cox, from the select committee appointed on the subject of the apportionment of the members of the House of Representatives, made the following report:

"The committee to which was referred the apportionment of the members of the House of Representatives have had the same under consideration, and find it is impossible to make a satisfactory apportionment without taking the census. The representatives of some of the counties not being willing to take the ratio, as fixed by the governor in his proclamation, under the organic law, for the next basis of representation, your committee believes it is the imperative duty of this legislature, to fix the ratio of representation for the several counties by law before the expiration of the term of service for which they were elected.

"By the 4th section of the organic law, authorizing the governor to make the first apportionment for each branch of the

legislative assembly extending only to the term for which they were elected, the term of service for which the House of Representatives have been elected will expire on the 10th of October next; and unless it is provided by law for the future election of this branch, the people could not legally exercise the right of suffrage, or a member be legally qualified, unless each district should be authorized by law to elect such their ratio of representatives, which cannot be better ascertained than according to population, by a census taken for that purpose.

The committee ask to be discharged from the further consideration of the subject.

The question was taken on agreeing to the report of the committee.

The ayes and nays being called for, were as follow:

Ayes:—Messrs. Blair, Box, Brunson, Cornwall, Chance, Cox, Engle, Jenkins, M'Williams, Nowlin, Quigley, Reynolds, Sheldon, Teas, Wheeler, and Leffler, speaker—16.

Nays:—Messrs. Boyls, Brunet, Childs, M'Knight, Parkinson, Smith, Shanley and Sholes—8.

Mr. Sheldon, from the select committee to which was referred sundry petitions, reported

Bill No. 77, entitled "A bill to organize the county of Walworth; and to establish the seat of justice thereof." Read the first time, and the rule requiring all bills to be printed on being read the first time, was suspended in reference to said bill, and it was laid on the table,

Mr. Brunson, from the committee on engrossment, reported bills Nos. 1, 24, 25, 26, and 63, to be correctly engrossed,

Entitled as follows:

No. 1, "A bill to provide for the appointing justices of the peace, to prescribe their powers and duties, and to regulate their proceedings."

No. 26, "A bill for the relief of the poor."

No. 25, "A bill to authorize the supervisors of Iowa county to build bridges, and for other purposes."

No. 63, "A bill relative to limited partnerships."

No. 24, "A bill concerning promissory notes, due bills, bills of exchange, &c., and to regulate the interest on money."

The above bills were severally read the third time, passed, titles agreed to, and

Ordered to be sent to the Council for concurrence.

A substitute adopted by the Council to a resolution passed by the house, respecting the remuneration of Major Jeremiah Smith, and others was taken up and concurred in, and

Ordered that the Council be informed.

Bill No. 21, entitled "A bill to subject real and personal estate to execution, and for other purposes," was, on motion, referred to the committee on the judiciary.

Bill No. 62, entitled "A bill to amend an act entitled 'An act to establish the judicial districts of the territory of Wisconsin, and for other purposes, and to regulate the times of holding courts in the several counties of the territory,'" was, on motion, referred to the following select committee, viz:

Messrs. Sheldon, Engle, Teas, Brunet, M'Williams, and Parkinson.

The house proceeded to the order of the day, being

Bill No. 16, entitled "A bill providing for taking the second census or enumeration of the inhabitants of the territory of Wisconsin.

On motion of Mr. Cox,

Ordered, that the bill be committed to the committee of the whole house.

The house then went into a committee of the whole on said bill, Mr. Sheldon in the chair.

After some time the committee rose, and by their chairman reported the bill to the house with amendments.

The amendments made in committee were agreed to.

The bill was then ordered to be engrossed for a third reading.

On motion,

Ordered, that the 16th rule be suspended with reference to said bill.

The bill was then read a third time, and upon the question,

"Shall the bill pass?"

The yeas and nays being called for, were as follow:

Yeas:—Messrs. Blair, Box, Brunson, Cornwall, Chance, Cox,

Engle, Jenkins, M^cWilliams, Nowlin, Quigley, Reynolds, Sheldon, Teas, Wheeler, and Leffler, speaker—16.

Nays:—Messrs. Boyls, Brunet, Childs, M^cKnight, Parkinson, Smith, Shanley, and Sholes—8.

So the bill passed, the title was agreed to, and ordered to be sent to the Council for concurrence.

On motion of Mr. Quigley,

The House resolved itself into a committee of the whole on bill No. 66, entitled "A bill to provide for collecting demands against boats and vessels;" Mr. Engle in the chair.

After some time the committee rose, and by their chairman reported the bill with an amendment.

The amendment made in committee, was agreed to.

The bill was then ordered to be engrossed for a third reading.

On motion of Mr. Sheldon, the house went into a committee of the whole on bill No. 67, entitled "A bill to organize a board of public works;" Mr. Cornwall in the chair. After a short time the committee rose and reported the bill to the house with an amendment.

The amendment was agreed to.

The bill was then ordered to be engrossed for a third reading.

On motion of Mr. Nowlin,

The house went into the committee of the whole on bill No. 9, entitled "A bill for an act to establish a territorial road from Bloomington, in Muscatine county, to the Forty Mile Point, on Cedar river;" Mr. Sholes in the chair.

After some time the committee rose, and reported the bill without amendment.

The bill was then ordered to be engrossed for a third reading.

Mr. Sholes, agreeably to notice, introduced

Bill No. 78, entitled "A bill concerning costs and fees."

Read the first time, and laid on the table.

Mr. Chance gave notice that, at a future day, he should ask leave to introduce a bill to establish a seminary of learning on the 16th section in town 69 of Range three west in Des Moines county.

Mr. Box gave notice that, at some future day, he should ask leave to bring in a bill to establish a seminary at West Point.

Mr. Parkinson gave notice of his intention to bring in a bill, at a future day, to regulate and define the duties of county officers; and a bill to amend an act entitled "An act to prevent trespasses on the school lands on the 16th section, and for other purposes."

Mr. Shanley gave notice that, at a future day, he should, by leave, introduce a bill to establish a seminary at Cassville.

The house adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

The secretary of the Council was introduced, and delivered the following message:

"Mr. Speaker,—The Council have passed bills, a memorial and resolution, as follows:

"No. 15, 'A bill for assessing and collecting county revenue.'

"No. 25, 'A bill to locate and establish a territorial road from Beloit to Goodhen's Mills.'

"No. 28, 'A bill to locate and establish a territorial road from Madison, Dane county, to the southern boundary of Green county.'

"No. 38, 'A bill to establish a territorial road from the City of the Four Lakes to Madison, and for other purposes.'

"No. 21, 'A bill for the relief of the poor.'

"A memorial to Congress for an appropriation of \$20,000 to complete the public buildings at the seat of government.

"A resolution relative to printing the laws in the several papers of this territory.

"The Council have concurred in bills of the house as follows, viz:

"No. 7, 'A bill to prevent forcible entry and detainer.'

"No. 11, 'A bill to authorize and require the board of county commissioners of the county of Crawford, &c.'

"No. 46, 'A bill to establish the boundary lines of the counties of Dubuque, Clayton, Jackson, Benton, Linn, Jones, Clin-

ton, Scott, Delaware, Buchanan, Cedar, Fayette, and Keokuck, and to provide for the location of the seats of justice in said counties, and for other purposes.'

"The governor has notified the Council that he, on this day, signed 'An act to provide for the election of county treasurers, and to define their duties.'"

And then he withdrew.

Bill No. 20, entitled "A bill to locate the seat of justice of the county of Green, and for other purposes," was read the second time.

On motion of Mr. Parkinson,

The house went into a committee of the whole on said bill; Mr. Nowlin in the chair.

After some time the committee rose, and reported the bill to the house without amendment.

The bill was then recommitted to the committee consisting of the entire delegation of Iowa county.

On motion of Mr. Sheldon,

The house went into a committee of the whole on bill No. 60, entitled "A bill to provide for laying out and opening territorial roads," and No. 61, entitled "A bill to provide for the payment of expenses in criminal cases;" Mr. Chance in the chair.

After a short time, the committee rose, and by their chairman reported the said bills, No. 60 with amendments, and No. 61 without amendment.

The amendments to bill No. 60 were agreed to.

Ordered that the bill be engrossed and read the third time.

Mr. Parkinson moved to amend the first section of bill No. 61, by adding after the word "murder" the words "and manslaughter."

The yeas and nays being called for on the amendment, were as follow:

Yeas:—Messrs. Box, Boyls, Brunson, Brunet, Cox, M'Knight, Parkinson, Reynolds, Smith, Shanley, and Sholes—11.

Nays:—Messrs. Blair, Childs, Chance, Engle, Jenkins, Nowlin, Quigley, Sheldon, Teas, Wheeler, and Leffler, speaker—11.

So the amendment was lost.

Mr. Sheldon proposed a substitute for bill No. 61, which was read, and

On motion, the bill and substitute were referred to the committee on the judiciary.

MESSAGE FROM THE GOVERNOR.

“Territory of Wisconsin, Executive }

“Department, December 20, 1837. }

“To the hon. the speaker of the House of Representatives :

“Sir,—I return herewith ‘An act to establish the boundaries of the counties of Lee, Van Buren, Des Moines, Henry, Louisa, Wayne, and Slaughter, to locate the seats of justice for said counties, and for other purposes,’ presented for my approval on Saturday the 16th inst. and submit the following reasons for withholding my signature from the same.

“By an act of the legislative assembly, of the last session, the counties of Lee, Van Buren, Des Moines, Henry, Louisa, Muscatine, and Cook were formed out of the territory embraced in the original county of Des Moines; and the county seats thereof (with the exception of Cook) were established in said act, which expires by its own limitation at the close of the present session.

“The bill herewith returned, intends to supply the deficiency that would exist at the expiration of that law, fixes the boundaries by the course of streams and the United States’ surveys; proposes no change in the location of the seats of justice of the counties of Lee, Des Moines, and Henry, but removes the county seat of Van Buren from Farmington to Rochester, and the county seat of Muscatine (called Wayne in the bill) from Bloomington to Geneva. It is to these two changes of county seats that I particularly object. In a territory like ours great care and caution should be exercised in the location of the seats of justice in the first place; and where settlements are formed on the faith of our acts, changes should not, in my opinion, be made without the prospect of some substantial benefit to the people, and upon their wish unequivocally expressed to that effect. In the county of Van Buren, from the fact that Farmington (the present seat of justice) is by no means in the centre of the county,

or its population, petitions have been presented from a large number of its citizens, in all of which some change is requested; and from the great increase of population in that county during the past season, it is necessary that some provision should be made by law for the establishment of the seat of justice of that county, at some point, to suit the wishes of a majority of its present inhabitants. There is not, however, any thing in our possession which could authorize us in singling out Rochester, as that place; and I think in this, as in all cases of the kind, where there is any doubt, it would be better and safer for the legislature not to take upon themselves the decision of so interesting a question, but to submit it to a vote of the people themselves. With regard to locating the county seat of Van Buren county, it would meet with my approbation if provision should be made for a direct vote of the people upon the question, or if the duty of locating the seat of justice should be given to some body to be chosen by a vote of the qualified electors of the county.

"In the county of Wayne, (formerly called Muscatine) the change from Bloomington to Geneva is unaccountable to me. I say this with all due deference and respect to the legislative assembly. There does not occur to me a single good reason for the proposed removal. The majority of the people of the county have not asked for it; on the contrary, a large majority of them have remonstrated in the strongest terms against it. It is not pretended that Geneva is a more eligible point on the Mississippi than Bloomington. They are about three miles distant from each other, and it cannot even be urged that Geneva is nearer the centre of the county than Bloomington, especially when the three townships lying immediately west of Wayne are included within its boundaries, as I shall hereafter suggest. The change cannot, therefore, meet with my sanction or approbation; and I am as yet informed of nothing which would authorize us in interfering at this time, with the present location of the seat of justice at Bloomington.

"With respect to the boundaries of Wayne county, I would respectfully suggest that the western lines of the county should be extended so as to embrace townships 76, 77, and 78,

north of range 4 west, the former of which by the present bill is placed in the unorganized county of Slaughter, and makes a bad offset; and the other two are not included in the limits of any county.

"In entering thus minutely into the details and merits of the present bill, I feel myself fully justified by the powers vested in me by the organic law of this territory, which constitutes the governor a distinct branch of the legislative authority, in addition to the duties imposed on him as the executive branch of the government; and I take the occasion to say that at all times in considering a bill submitted to me by the legislative assembly, I will not feel myself confined to an examination of the constitutionality of its provisions, but shall reserve to myself the right of giving my judgment upon its general expediency, and of giving or withholding my assent, as circumstances may justify.

"In the present instance, I wish it distinctly understood, that a bill similar in its features to that now returned, leaving, however, the seat of justice of Wayne county at Bloomington, and providing for some popular expression of opinion upon the proper point for the seat of justice in Van Buren county, will meet with my approbation and signature.

"With great respect, your obedient servant,

"HENRY DODGE,"

Ordered, that said message do lie on the table.

And then the house adjourned.

Thursday, December 21, 1837.

Mr. Sheldon offered the following resolution:

Resolved, That no new bills be received by this house after the first day of January next.

Laid on the table.

On motion of Mr. Quigley,

Resolved, That the memorial from the Council, asking for a further appropriation to complete the public buildings at the seat of government, be referred to the select committee appointed by the house to inquire into the situation of said buildings, and that the Council be asked to transmit to this house all documents in their possession relating thereto,

On motion of Mr. Childs, three members were added to the said committee, viz: Messrs. Chance, Childs, and Brunson.

Mr. M'Williams, from the committee on enrolment, reported "An act to establish the boundary lines of the counties of Dubuque, Clayton, Jackson, Benton, Linn, Jones, Clinton, Johnson, Scott, Delaware, Buchanan, Cedar, Fayette, and Keokuck, and to provide for the location of the seats of justice in said counties, and for other purposes," to be correctly enrolled.

The said act was then signed by the speaker, and

Ordered to be sent to the president of the Council for his signature.

Mr. Brunson reported bills Nos. 9, 28, 60, 66, and 67, to be correctly engrossed, viz:

No. 60, entitled "A bill to provide for laying out and opening territorial roads."

No. 9, entitled "A bill for an act to establish a territorial road from Bloomington, in Muscatine county, to the forty mile point on Cedar river, in Dubuque county."

No. 28, "A bill to establish a ferry across the Mississippi and Grant rivers."

No. 66, "A bill to provide for the collection of demands against vessels."

No. 67, "A bill to organize boards of public works."

The above bills were severally read the third time, passed, titles agreed to, and ordered to be sent to the Council for concurrence.

The secretary of the Council being introduced, delivered the following message.

"Mr. Speaker,—The Council have passed bills of the following titles, viz:

"No. 34, 'A bill to amend an act establishing the county boundaries of Portage county;' No. 35, 'A bill providing for the number of town officers, and for the tenure of county and town officers.'

"No. 36, 'A bill to incorporate the Root River Rail Road Company.'

"No. 46, 'A bill to authorize the county commissioners to levy a tax for county purposes.'

"The Council have concurred in the amendment made by this house to bill No. 29, Council file, entitled, 'A bill to locate the seat of justice of Rock county.'

"Also, have concurred in part to the amendments made by this house to bill No. 31, Council file, entitled, 'A bill to establish the several towns in the counties of Milwaukée, Brown, and Racine, and the counties thereto attached, for judicial purposes;'

"And have disagreed to the following:-

"In the 8th line of the second section, strike out the word 'judicial,' and insert 'township,' and the same wherever the word 'judicial' occurs throughout the bill.

"In the 4th section, line 9, strike out 'Muskeego,' and insert 'Sheldon.'

"Add to the 35th section the words, 'and at the house of John Lawe.'

"The Council have concurred likewise in the amendment to bill No. 2, Council file, viz:

"In the title between the words 'mutual' and 'insurance,' insert the word 'fire;'

And then he withdrew.

The house then proceeded to consider the disagreeing vote of the Council, with respect to bill No. 31, Council file.

The question was first taken on the amendment in the 8th line of the second section.

The question was then put, "Shall the house adhere to their amendment?"

And was unanimately decided in the affirmative.

The question was then taken on the amendment to the 4th section.

A motion was made that the house recede from their amendment;

And the question being put, "Shall the house recede?"—it was decided in the affirmative.

The yeas and nays being called for, were as follow:

Yeas:—Messrs. Blair, Box, Boyls, Brunson, Brunet, Childs, Cornwall, M'Williams, Nowlin, Sheldon, Smith, Shanley, Sholes, and Leffler, speaker—14.

Nays:—Messrs. Chance, Cox, Engle, Jenkins, M'Knight, Parkinson, Quigley, Reynolds, Teas, and Wheeler—10.

The question was then taken on the amendment to the 35th section.

A motion was made that the house adhere, and the question being put, "Shall the house adhere to their amendment?"—it was decided in the affirmative.

Messrs. Sholes and Engle were appointed a committee of conference on the part of the house relative to the disagreeing vote of the two houses.

Ordered that the Council be informed.

The following bills from the Council were then taken up, read the first and second times, the rule requiring all bills to be printed after a first reading having been suspended in reference to said bills.

"No. 34, Council file, entitled 'A bill to amend an act entitled an act establishing the county boundaries of Portage county.'

"No. 35, 'A bill providing for the number of town officers, and for the tenure of county and town offices.'

"No. 36, 'A bill to incorporate the Root River Rail Road Company.'

"No. 46, 'A bill to authorize the county commissioners to levy a tax for county purposes.'

"No. 25, entitled, 'A bill to locate and establish a territorial road from Beloit to Goodhue's Mills.'

"No. 28, 'A bill to locate and establish a territorial road from Madison, Dane county, to the southern boundary of Green county.'

"No. 38, 'A bill to establish a territorial road from the city of the Four Lakes to Madison, and for other purposes.'

“No. 21, ‘A bill for the relief of the poor.’

The resolution from the Council rescinding and amending part of a joint resolution respecting the publication of the laws in the several newspapers in this territory, was taken up, concurred in, and the following amendment made, viz:

Add the words, “And Fort Madison Patriot, published at Fort Madison.”

Ordered, That the Council be informed.

On motion of Mr. Shanley,

Ordered, That the rule requiring all bills to be printed on being read a first time, be suspended with reference to bills numbered 49, entitled “A bill to establish a ferry across the Mississippi river at Cassville,” and 59, entitled ‘A bill to locate and establish a territorial road from Dubuque to A. Bankston’s.’

The bills were then read the second time.

On motion of Mr. Nowlin, the house resolved itself into a committee of the whole on bill No. 59, Mr. Parkinson in the chair.

After some time, the committee rose and, by their chairman, reported the bill with an amendment.

The amendment was agreed to.

On motion of Mr. Nowlin, the bill was farther amended by adding the following:

“Sect. 7. Said commissioners, before entering upon their duties, shall severally take an oath faithfully to discharge their duties under this act.”

The bill was then ordered to be engrossed for a third reading.

Bill No. 22, entitled “A bill to prevent and punish gambling,” was taken up and read a second time.

On motion, the house went into committee of the whole on said bill, Mr. Jenkins in the chair. After some time the committee rose and reported said bill with amendments.

The amendments were agreed to.

Mr. Shanley, agreeably to notice, introduced bills

No. 79, entitled “A bill for the benefit of mechanics;”

No. 80, entitled “A bill to establish a university at Cassville;”

Which were severally read a first time, and laid on the table.

The following bills were introduced, agreeably to previous notice, and read the first and second times, the rule to print having been suspended in reference to said bills.

By Mr. Parkinson, No. 81, entitled "A bill to regulate and define the duties of county officers."

By Mr. Sheldon, No. 82, "A bill to incorporate the trustees of the Milwaukee Academy."

By Mr. Teas, No. 83, "A bill to encourage the destruction of wolves."

By Mr. Nowlin, No. 84, "A bill to incorporate the Dubuque Seminary."

By Mr. Boyls, No. 85, "A bill to incorporate the Greene County Seminary."

Mr. Shanley gave notice that he should, at a future day, introduce a bill for a ferry across Rock river at Janesville.

Mr. Parkinson gave notice that, at a future day, he should by leave introduce a bill to incorporate a seminary at Mineral Point.

Mr. Box gave notice that, at a future day, he should by leave introduce a bill to regulate fences, and for other purposes. Also a bill concerning free negroes.

Mr. Quigley gave notice of his intention, at a future day, to introduce a bill to prevent disasters on board of steam boats, navigating the waters within the territory of Wisconsin.

The house adjourned till three o'clock, P. M.

3 O'CLOCK, P. M.

Mr. Sheldon moved to commit bill No. 22, entitled "A bill to prevent and punish gambling," to a select committee, and on the question to commit, the yeas and nays being called, were as follow:

Yeas:—Messrs. Childs, Cox, Engle, M'Knight, M'Williams, Sheldon, Smith, Sholes, and Wheeler—9.

Nays:—Messrs. Box, Brunson, Cornwall, Chance, Jenkins,

Nowlin, Parkinson, Quigley, Reynolds, Shanley, Teas, and Leffler, speaker—13.

So the motion to commit was lost.

On motion of Mr. Engle,

The second section was amended by striking out all after the word "matter," and adding,

"And the testimony of the person losing, in the absence of other testimony, shall be received in any action brought as aforesaid."

The question was then put "Shall the bill be engrossed and read a third time?" And the yeas and nays being called for, were as follow:

Yeas:—Messrs. Blair, Box, Brunson, Brunet, Cornwall, Cox, Chance, Engle, Jenkins, M'Knight, Nowlin, Parkinson, Quigley, Reynolds, Sheldon, Shanley, Sholes, Teas, Wheeler, and Leffler, speaker—20.

Nays:—Messrs. M'Williams and Smith—2.

So the bill was ordered to be engrossed for a third reading.

Mr. M'Williams, from the committee on enrolment, reported the following to be correctly enrolled, viz:

"An act to authorize and require the board of county commissioners of the county of Crawford, to levy a series of taxes to defray the expense of building a bridge across the Marrais of St. Friole."

"An act to prevent forcible entry and detainer."

"A preamble and resolution respecting the improvement of the Pecatonica river."

They were then signed by the speaker, and

Ordered to be sent to the president of the Council for his signature.

Mr. Engle, chairman of the judiciary committee, to which bills Nos. 21 and 65 were referred, reported a substitute for bill No. 21, entitled "A bill for an act to amend an act concerning judgments and executions," and reported

No. 65, entitled "A bill concerning debtors and their securities," back again without amendment.

On motion of Mr. Sholes,

Ordered, that the rule requiring bills to be printed, after

being read the first time, be suspended with reference to bill No. 78, entitled "A bill concerning costs and fees."

The bill was then read the second time, and made the order of the day for Wednesday next.

The secretary of the Council was introduced and delivered the following message:

"Mr. Speaker,—The Council have appointed Messrs. Sweet and Knapp, the committee of conference, on the part of that house, upon the subject of the disagreeing vote of the two houses, in relation to bill No. 31 of the Council, entitled 'A bill to establish the several towns in the counties of Milwaukee, Brown, and Racine, and the counties thereto attached for judicial purposes.'

"The Council have amended bill No. 16, entitled 'A bill providing for the taking of the second census or enumeration of the inhabitants of the territory of Wisconsin,' by striking out the words 'not taxed,' in the 6th line of the 1st section; in which amendment I was directed to ask the concurrence of this house;'"

And then he withdrew.

Mr. Childs gave notice that, at a future day, he should introduce a bill to establish a seminary at Depere, in the county of Brown.

Mr. Jenkins gave notice that, at some future day, he should introduce a bill to incorporate counties, a bill concerning divorce, and a bill to establish the boundaries of the county of Henry, and for other purposes.

The house adjourned.

Friday, December 22, 1837.

A message was received from the executive, informing the house, that he had examined and approved

“An act to establish the boundary lines of the counties of Dubuque, Clayton, Jackson, Scott, Delaware, Buchanan, Cedar, Fayette, and Keokuck, and to provide for the location of the seats of justice in said counties, and for other purposes.”

Mr. M^cWilliams, from the committee on enrolment, reported the following acts, to be correctly enrolled, viz:

“An act to locate the seat of justice of Rock county, in this territory;” and

“An act to incorporate the Beloit Seminary in Rock county.”

They were then presented to, signed by the speaker, and ordered to be sent to the president of the Council, for his signature.

Mr. Reynolds presented the petition of Lewis M^cKee, praying for the exclusive right of keeping a ferry at Bloomington.

Referred to the following select committee, viz:

Messrs. Reynolds, Blair, and Nowlin.

Mr. Chance presented petitions of inhabitants of Van Buren county, praying that the county seat of said county, may remain at Farmington, and that the boundary lines of said county may be changed.

Referred to the Des Moines delegation.

Mr. Parkinson, agreeably to previous notice, introduced bill No. 87, entitled “A bill to locate the seat of justice of the county of Green, and for other purposes.”

Read a first time, the rule to print in reference thereto suspended, read a second time, and made the order of the day for Thursday next.

Mr. Cox offered the following resolution:

Resolved, That this house adjourn, on the 19th of January next, (the Council concurring herein,) and that this house receive no new matter, after the 15th of next month, unless the

same has reference to bills that may be introduced previous to that time.

On motion of Mr. Teas,

The resolution was laid on the table.

On motion of Mr. Box,

The message of the executive, returning "An act to establish the boundaries of the counties of Lee, Van Buren, Des Moines, Henry, Louisa, Wayne, and Slaughter, to locate the seats of justice for said counties, and for other purposes," with his reasons for withholding his signature therefrom, together with said act, and the papers relating thereto, were taken up, and

Referred to a select committee, consisting of the entire delegation of Des Moines county.

On motion of Mr. Box,

Resolved, That the committee to which were referred the act establishing the boundaries of the counties formed out of Des Moines county, and the message of the executive relating thereto, have power to send for persons and papers.

Mr. Cox moved to reconsider the vote of the house, adhering to their amendments made to bill No. 31, Council file, entitled "A bill to establish the several towns in the counties of Milwaukee, Brown, Racine, and the counties thereto attached for judicial purposes;"

And, pending the question thereon, the secretary of the Council was introduced, and delivered the following message:

"Mr. Speaker,—I am directed, in accordance with a request from this house, to present the accompanying documents relating to the memorial passed by the Council, asking an additional appropriation to complete the public buildings at the seat of government.

"The Council have concurred in the amendment made by this house to the joint resolution rescinding part of the previous resolution passed, relative to printing the laws of this territory, viz:

"To add thereto, the words, 'and Fort Madison Patriot, published at Fort Madison;'"

And then he withdrew.

The question was then taken on the motion made by Mr. Cox, and the yeas and nays being called for, were as follows:

Yeas:—Messrs. Box, Brunson, Cox, Jenkins, Reynolds, Sheldon, and Shanley—7.

Nays:—Messrs. Blair, Brunet, Childs, Cornwall, Chance, Engle, M^cKnight, M^cWilliams, Nowlin, Parkinson, Quigley, Smith, Sholes, Teas, Wheeler, and Leffler, speaker—16.

So the motion to reconsider was lost.

Mr. Shanley, agreeably to previous notice, introduced Bill No. 36, entitled "A bill to establish a ferry on Rock river, at Janesville, in Rock county."

Read the first and second times, the rule to print having been suspended with reference to said bill.

Mr. Sholes gave notice that, at some future day, he should ask leave to bring in a bill for the incorporation of a territorial medical society.

Mr. Shanley gave notice that, on Tuesday next, he should ask leave to bring in a bill to establish a ferry across Turkey river, in Clayton county.

Mr. Jenkins gave notice that, at a future day, he should ask leave to bring in a bill to prevent fraudulent devices and for other purposes; and a bill concerning vagrants.

Mr. Teas gave notice that he should, on a future day, introduce a bill to incorporate the city of Burlington.

On motion of Mr. Quigley,

The house adjourned until Tuesday next, at 10 o'clock, A. M.

Tuesday, December 26, 1837.

The speaker stated that he had received a communication from Charles Bracken, enclosing a memorial addressed to this house, which he now submitted.

The memorial (see Appendix, "No. 3,") was then read and considered.

Whereupon Mr. Cox offered the following preamble and resolution:

Whereas charges have been preferred against the Hon. D. M. Parkinson, a member of this house, by Charles Bracken; and whereas it appears that the said charges are founded upon circumstances that took place about ten years since, and were well known to, and fully canvassed by the constituents of said Parkinson, previous to his election; and whereas it is believed that the person preferring the charges is actuated more by feelings of personal hostility than by a desire to promote public justice, therefore,

Resolved, That it is neither expedient nor proper for this house to entertain the charges preferred against the Hon. D. M. Parkinson, and that we have the highest confidence in his honesty and integrity of purpose.

The question was taken on the adoption of the preamble and resolution, and the yeas and nays being called for, were as follow:

Yeas:—Messrs. Blair, Boyls, Brunson, Brunet, Childs, Cornwall, Chance, Cox, Engle, Jenkins, M^cGregor, M^cKnight, M^cWilliams, Nowlin, Quigley, Sheldon, Sholes, Wheeler, and Leffler, speaker—19.

Nays:—None.

So the preamble and resolution were unanimously adopted.

Mr. Childs presented the petition of William B. Slaughter, praying for the privilege of building a dam across the Manitowoc river; and asked leave to bring in, at a future day, a bill for that purpose.

Leave was granted.

Mr. M^cGregor presented the petitions of inhabitants of Cook and Dubuque counties, praying for a territorial road from Rockingham to the Indian boundary line.

Referred to the following select committee, viz:—Messrs. M^cGregor, Wheeler, and Nowlin.

On motion of Mr. Childs,

Resolved, That this house dispense with the printing of the

daily slips, in order to give the printers time to print the bills of this house.

Mr. Brunson, from the committee on engrossment, reported the following bills to be correctly engrossed:

No. 22, entitled "A bill to prevent and punish gambling."

No. 59, entitled "A bill to locate and establish a territorial road from Dubuque to A. Bankston's."

Mr. Sholes, from the select committee of conference on the disagreeing vote of the two houses to the amendments made to bill No. 31, Council file, made the following report:

"The committee of conference appointed on Thursday last to confer with a similar committee appointed by the Council, as to certain amendments made by the House of Representatives to a bill entitled 'A bill to establish the several towns in the counties of Milwaukee, Brown, and Racine, and the several counties thereto attached, for judicial purposes,' which were disagreed to by the Council, beg leave respectfully to report:

"That after consultation upon the subject, they have agreed, as a joint report, to recommend the striking out of the words 'for judicial purposes' wherever they occur in said bill.

"The committee of conference on the part of the Council have agreed to recede from their disagreement to the amendment of the house inserting 'and at the house of John Lawe.'"

The report of the said committee was agreed to.

The undermentioned bills were introduced, and severally read the first time:

By Mr. Quigley, No. 88, entitled, "A bill to prevent disasters on steamboats navigating the waters within the territory of Wisconsin."

By Mr. Childs, No. 89, "A bill to incorporate the Depere Seminary."

By Mr. Parkinson, No. 90, "A bill to incorporate the Mine-
[redacted] Seminary."

By Mr. Wheeler, No. 91, "A bill to authorize Samuel Doolittle to keep a ferry across the Mississippi, at the town of Camanche."

By Mr. Childs, No. 92, "A bill to establish a ferry across the Mississippi, at the town of Fort Madison."

By Mr. Sheldon, No. 93, "A bill to provide for the sale of the land on which the seat of justice of Racine county is placed."

On motion of Mr. Sheldon,

Ordered that the different rules be suspended with reference to the last mentioned bill;

Which was then read the second time.

On motion of Mr. Quigley, the following amendment was made; between the words "for" and "and," in the 18th line, insert "with ten per cent. interest per annum."

The bill was then ordered to be engrossed for the third reading.

The 16th rule was suspended, and the bill was read the third time, passed, and the title agreed to.

Ordered to be sent to the Council for concurrence.

Bill No. 16, entitled "A bill providing for the taking the second census or enumeration of the inhabitants of the territory of Wisconsin," and the amendment made thereto by the Council, viz: strike out the words "not taxed," were considered.

Mr. Engle offered the following amendment:

Let the words "not taxed" remain in the bill, and insert there after the following words:

"And who do not live as civilized white men, and omitting officers and soldiers of the regular army of the United States."

Mr. Sholes offered the following amendment, to the amendment proposed by Mr. Engle:

Add the words "who own no property in the territory, and pay no taxes."

Mr. Engle offered the following as a substitute to the amendment proposed by Mr. Sholes; viz:

Add the words "who are not actual and bona fide of this territory."

The substitute for the amendment to the amendment offered by Mr. Sholes was agreed to.

The question was then taken on the amendment offered by Mr. Engle, as amended, and agreed to.

Ordered, that the Council be informed.

The secretary of the Council was introduced, and delivered the following message :

“Mr. Speaker,—The Council have passed the following resolution :

“Resolved, That in the opinion of the Council, the proceedings of the house in reporting a substitute for bill No. 5, entitled ‘A bill regulating and defining the extent of the right of possession on lands, belonging to the government of the United States, and for other purposes,’ are unparliamentary and contrary to the joint rules of both houses, and that the said bill, with the accompanying document, be returned to the House of Representatives, respectfully asking their further action on the same.’

“In accordance therewith, I have returned the substitute, and bill for the further action of this house ;”

And then he withdrew.

On motion of Mr. Shanley,

The house resolved itself into a committee of the whole, on bill No. 49, entitled “A bill to establish a ferry across the Mississippi river at Cassville;” Mr. Parkinson in the chair.

After a short time the committee rose, and by their chairman reported said bill without amendment.

The bill was then ordered to be engrossed for the third reading.

The following bills were severally read the second time:

No. 77, entitled “A bill to organize the county of Walworth, and to establish the seat of justice thereof.”

No. 82, entitled “A bill to incorporate the trustees of the Milwaukee Academy.”

No. 84, entitled “A bill to incorporate the Dubuque Seminary.”

No. 86, entitled “A bill to establish a ferry on Rock river, in Rock county, at Janesville.”

The house then resolved itself into a committee of the whole on said bills;” Mr. M’Williams in the chair.

After some time the committee rose, and, by their chairman, reported the progress made therein, and asked leave to sit again.

Leave was granted.

The house adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

A message was received from the executive, informing the house, that he had examined and approved the following acts, and a preamble and resolution, viz:

"An act to prevent forcibly entry and detainer."

"An act to authorize and require the board of county commissioners of the county of Crawford, to levy a series of taxes to defray the expense of building a bridge across the Marrais of St. Friole, in said county," and

"A preamble and resolution respecting the improvement of the Pecatonica river."

Mr. Engle presented several petitions of sundry inhabitants of Muscatine county, relating to bill No. 35, organizing several counties formed out of the original county of Des Moines, &c.

Referred to the committee composed of the Des Moines delegation.

Mr. McGregor presented sundry petitions from inhabitants of same county, relating to same subject.

Referred to the same committee.

On motion of Mr. Teas,

Ordered, that the petitions of inhabitants of Louisa county, relative to the same subject, be referred to the same committee.

Mr. Chance presented several petitions from sundry inhabitants of Van Buren county, relating to bill No. 35.

Referred to the same committee.

On motion of Mr. Teas,

Resolved, That the executive of this territory be requested to furnish to this house all the petitions, remonstrances, &c., relating to the bill organizing the counties of Lee, Van Buren, Des Moines, &c.

On motion of Mr. Chance,

Ordered, That the select committee consisting of the Des Moines delegation be instructed to report on Friday morning.

Mr. Box, in pursuance of previous notice, introduced bills Nos. 94 and 95.

94, entitled, "A bill to authorize Isaac Galland to establish a ferry across the Mississippi river at Montrose."

95, entitled "A bill to establish a seminary at the town of West Point, in Lee county."

The above bills were severally read the first and second times, (the rule to print having been suspended with reference to said bills,) and laid on the table.

On motion of Mr. Engle,

The house resolved itself into a committee of the whole on bill No. 12, (substitute) entitled, "A bill for the partition of the half breed lands, and for other purposes;" Mr. Sholes in the chair.

After some time the committee rose, reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. Quigley, the bill was made the order of the day for to-morrow.

On motion of Mr. Childs,

The house resolved itself into a committee of the whole on bills

No. 77, entitled "A bill to organize the county of Walworth, and to establish the seat of justice thereof;" and bill

No. 82, entitled "A bill to incorporate the trustees of the Milwaukee Academy;" and bill

No. 84, entitled "A bill to incorporate the Dubuque Seminary;" and bill

No. 85, entitled "A bill to incorporate the Green County Seminary;" and bill

No. 86, entitled "A bill to establish a ferry on Rock river, in Rock county, at Janesville;" Mr. McWilliams in the chair.

After some time the committee rose, and, by their chairman, reported bills Nos. 82, 84, 85, and 86, with amendments, and bill No. 77, without amendments.

The amendments made in committee were agreed to, and the

several bills were ordered to be engrossed for a third reading.

Mr. Box gave notice that he would, at some future day, bring in a bill to establish a seminary of learning at Fort Madison, in Lee county.

The house then adjourned.

Wednesday, December 27, 1837.

Mr. Smith presented the petition of inhabitants of Van Buren county, praying that a divorce be granted to Louisa Ann Sibley, from her husband, William T. Sibley.

Referred to the following select committee, viz:

Messrs. Smith, Jenkins, and Box.

Mr. McGregor presented the petitions of inhabitants of Davenport, praying for the incorporation of a company to be called "The president and directors of the Davenport Sugar Manufacturing Company."

Referred to the committee on corporations.

Mr. Chance offered the following resolution:—

Resolved, That there be no new business received by this house, after the sixth day of January next.

The resolution was lost.

Mr. M'Williams, from the committee on enrolment, reported the following act and resolution to be correctly enrolled, viz:

"An act to incorporate the Milwaukee and Racine Mutual Fire Insurance Companies."

"A resolution rescinding part of a joint resolution, in relation to the publication of the laws in several papers of this territory," &c.

They were then signed by the speaker, and ordered to be sent to the president of the Council for his signature.

The following bills were introduced, severally read the first time, and laid on the table, entitled as follow;

By Mr. Jenkins, No. 96, "A bill to incorporate counties."

By Mr. Jenkins, No. 97, "A bill concerning vagrants."

By Mr. Jenkins, No. 100, "A bill concerning divorces."

By Mr. Childs, No. 98, "A bill to authorize the building a dam across the Manitowoc river."

By Mr. Sheldon, No. 99, "A bill to establish a University at the city of the Four Lakes, in the vicinity of Madison."

The rule requiring all bills to be printed, on being read the first time, was suspended in reference to the undermentioned bills, and

They were then severally read the second time, and laid on the table, viz:

No. 98, "A bill to authorize the building a dam across the Manitowoc river."

No. 99, "A bill to establish a University at the city of the Four Lakes, in the vicinity of Madison."

No. 89, "A bill to incorporate the Depere Seminary."

No. 92, "A bill to establish a ferry across the Mississippi, at the town of Fort Madison."

No. 64, "A bill to locate a territorial road from Janesville, to White Oak Springs."

No. 75, "A bill to authorize Aaron White to establish and keep a ferry across the Mississippi river, at Fort Madison."

No. 76, "A bill to establish a ferry across the Mississippi river, at the town of Davenport."

No. 68, "A bill to authorize Jeremiah Smith, senior, to establish a ferry across the Iowa river, at the county seat of Louisa county."

No. 69, "A bill to authorize Philip B. Harrison to establish a ferry across the Iowa river, at Florence, in Louisa county."

No. 91, "A bill to authorize Samuel Doolittle to keep a ferry across the Mississippi, at the town of Camanche."

No. 74, "A bill to authorize Wm. S. Hamilton to establish and keep a ferry across the Wisconsin river."

No. 90, "A bill to incorporate the Mineral Point Seminary."

No. 70, "A bill for the relief of Wm. Sawtell."

No. 72, "A bill to authorize John J. Rinearson, and Walter Butler, to keep a ferry across the Mississippi, in Des Moines county."

No. 73, "A bill to authorize Benjamin L. Webb to keep a ferry across the Wisconsin river, at Helena."

The order of the day was then announced, and, on motion of Mr. Engle,

The house resolved itself into a committee of the whole on bill No. 12, entitled "A bill for the partition of the half breed lands, and for other purposes;" Mr. Sholes in the chair.

After some time, the committee rose and reported the said bill by their chairman, with amendments.

The amendments were agreed to, and the bill was ordered to be engrossed for a third reading.

The secretary of the Council was introduced, and delivered the following message:

"Mr. Speaker,—The Council have passed bills of the following titles, viz :

"No. 20, 'A bill to amend, and alter an act entitled an act to incorporate the La Fontaine Rail Road Company.'

"No. 23, 'A bill to authorize the receipt and disposing of real estate in the several counties in this territory.'

"No. 24, 'A bill to make valid the location of a territorial road from Racine to Janesville.'

"No. 27, 'A bill to locate and establish a territorial road from Mount Pleasant to the county seat of Green county.'

"No. 48, 'A bill to incorporate the Racine Seminary.'

"In which bills I am requested to ask the concurrence of this house.

"The Council have concurred in bills from this house, as follow :

"No. 2, 'A bill to lay out a territorial road from the White Oak Springs, and for other purposes;' and

"No. 41, 'A bill to lay out a territorial road east of the Mississippi, and for other purposes,' with amendments thereto; to which amendments I am directed to ask the assent of this house;"

And then he withdrew.

On motion of Mr. Sheldon,

The house adjourned, till 3 o'clock, P. M.

3 O'CLOCK, P. M.

On motion of Mr. Sholes,

The house went into committee of the whole on bill No. 78, entitled "A bill concerning costs and fees;" Mr. Sholes in the chair.

After some time the committee rose, and by their chairman reported the progress made therein, and asked leave to sit again.

Leave was granted.

On motion of Mr. Engle,

The said bill was made the order of the day for to-morrow.

Bill No. 22, entitled "A bill to prevent and punish gambling," was announced ready for a third reading.

The said bill was then read the third time, and upon the question,

"Shall the bill pass?" The yeas and nays were called for, and were as follow :

Yeas:—Messrs. Blair, Box, Boyls, Brunson, Brunet, Cornwall, Chance, Engle, Jenkins, Nowlin, Parkinson, Quigley, Sheldon, Shanley, Sholes, Teas, Wheeler, and Leffler, speaker—18.

Nays:—Messrs. Childs, Cox, M'Gregor, M'Knight, M'Williams, Reynolds, and Smith—7.

So the bill passed, and the title was agreed to, and

Ordered to be sent to the Council for concurrence.

Mr. Brunson reported bills Nos. 49, 84, 85, and 86, to be correctly engrossed.

The following bills were read the third time, passed, titles agreed to, and ordered to be sent to the Council for concurrence, viz :

No. 49, "A bill to establish a ferry across the Mississippi river, at Cassville."

No. 86, "A bill to establish a ferry on Rock river, at Janesville, in Rock county."

No. 82, "A bill to incorporate the trustees of the Milwaukee Academy."

No. 85, "A bill to incorporate the Green county Seminary.

No. 59. "A bill to locate and establish a territorial road from Dubuque to A. Bankston's."

No. 84, "A bill to incorporate the Dubuque Seminary."

Mr. Brunson offered the following resolution:

Resolved, That the originators and defenders of the bill for the partition of the half breed lands be instructed to inquire into the expediency of providing by law, for the partition and sale of that tract of land situated in the county of Crawford, and known by the name of "Carver's Tract," in order to facilitate the settlement thereof; with instructions to report by bill or otherwise.

On motion of Mr. Childs,

The said resolution was laid on the table.

Mr. Teas gave notice that, at a future day, he should introduce a bill to regulate mills and millers.

The house adjourned.

Thursday, December 28, 1837.

Mr. Reynolds presented the petition of inhabitants residing on the west side of Cedar river, praying for a territorial road.

Referred to the following select committee, viz:

Messrs. Reynolds, Blair, and M'Gregor.

Mr. Brunson, from the committee on engrossments, reported bill No. 77, entitled "A bill to organize the county of Wafworth, and to establish the seat of justice thereof," to be correctly engrossed.

Mr. Shanley, agreeably to previous notice, introduced bill No. 101, entitled "A bill to authorize Henry Holtzbecker to keep a ferry."

The bill was read the first and second times, the rule to print having been suspended with reference to said bill.

Mr. Jenkins, agreeably to previous notice, introduced bill

No. 102, entitled "A bill to preserve good order in worshipping congregations and societies in this territory."

The bill was read the first time, and laid on the table.

Mr. Engle, from the committee on the judiciary, to which were referred bill No. 61, entitled "A bill to provide for the payment of expenses in criminal cases," and the substitute proposed thereto, reported the said bill to the house without amendment.

The bill was then read the second time, and considered as in committee of the whole.

Ordered to be engrossed for a third reading.

On motion of Mr. Parkinson,

The 16th rule was suspended, with reference to the bill, which was then read a third time, passed, and the title agreed to.

Ordered to be sent to the Council for concurrence.

The house proceeded to take up the messages and bills on the table.

A resolution of the Council, returning bill No. 5, entitled "A bill regulating and defining the extent of the right of possession on lands belonging to the government of the United States, and for other purposes," and the substitute thereto, passed by the house, was referred to the following select committee, viz:

Messrs. Sheldon, Engle, and Parkinson.

The amendments made by the Council to bill No 2, entitled "A bill to lay out a territorial road from the White Oak Springs, and for other purposes," were severally agreed to; viz:

In the fourth section, seventh line, strike out the word "through," and insert "to." Strike out, in the eighth line, same section, the words, "to Helena, on the Wisconsin river;" and, in the amendments to bill No. 41, entitled "A bill to lay out a territorial road east of the Mississippi, and for other purposes;" viz: in section three, seventh line, strike out "district court," and insert "board of commissioners." In the last line of the same section, strike out "territorial road," and insert "public highway."

Ordered, that the clerk acquaint the Council thereof.

Mr. Cox, by leave, introduced bill No. 103, entitled "A bill

to amend an act, entitled 'An act to establish the boundaries of the counties herein named,' and for other purposes."

The bill was read the first time, and objection being made, the question was taken: "Shall the bill be rejected?" and the yeas and nays being called for, were as follow:

Yeas:—Messrs. Blair, Cornwall, Chance, Engle, M'Gregor, M'Williams, Quigley, Sheldon, Smith, Sholes, and Wheeler—11.

Nays:—Messrs. Box, Boyls, Brunson, Cox, Jenkins, M'Knight, Nowlin, Parkinson, Reynolds, Shanley, Teas, and Leffler, speaker—12.

So the question was decided in the negative.

On motion of Mr. Quigley, the bill was referred to a select committee, consisting of the Dubuque delegation.

On motion of Mr. Quigley,

Ordered, that the sergeant-at-arms do arrest Mr. Clarke, now present in the lobby, and bring him forthwith to the bar of the house, to answer for a contempt.

Mr. Clarke was brought to the bar in custody of the sergeant-at-arms.

On motion of Mr. Childs,

Ordered, that the prisoner at the bar be permitted to make his defence either by counsel or otherwise.

Thereupon Mr. Clarke was heard in his defence, and it appearing that no contempt was intended,

On motion of Mr. Quigley,

Ordered, that Mr. Clarke be discharged.

The secretary of the Council was introduced, and delivered the following message:

"Mr. Speaker,—The Governor notified the Council yesterday that he had approved the several acts and a resolution, entitled as follow:

"'An act to incorporate the Milwaukee and Racine Mutual Fire Insurance Companies.'

"'An act to incorporate the Beloit Seminary, in Rock county.'

"'A resolution rescinding part of a joint resolution, in relation to the publication of the laws in the several papers of this territory, and extending the authority to publish in other papers therein mentioned.'

"'An act to locate the seat of justice of Rock county, in this territory.'

"The Council have passed bill No. 18, entitled 'A bill for opening and repairing, or vacating public roads and highways;'

"In which bill I am directed to ask the concurrence of this house.

"The Council have concurred in a bill from this house, No. 60, entitled 'A bill to provide for laying out and opening territorial roads,' with an amendment.

"The Council have likewise concurred in the report of the committee of conference on the disagreeing vote of the two houses, in relation to the amendments made by this house to bill No 31, Council file, entitled 'A bill to establish the several towns in the counties of Milwaukee, Brown, and Racine, and the counties attached for judicial purposes;'

And then he withdrew.

On motion of Mr. Parkinson,

The house went into a committee of the whole on bill No. 87, entitled "A bill to locate the seat of justice of the county of Green, and for other purposes;" Mr. Quigley in the chair.

After some time the committee rose, and, by their chairman, reported the progress made therein, and asked leave to sit again.

Leave was granted.

On motion of Mr. Childs,

The house adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

Mr. Brunson asked leave of absence for Mr. Brunet until Monday next.

Leave was granted.

On motion of Mr. Parkinson,

The house resolved itself into a committee of the whole on bill No. 87; Mr. Chance in the chair.

After some time the committee rose, and, by their chairman, reported said bill with amendments.

The amendments were agreed to by the house.

On the question to engross the bill for a third reading, the yeas and nays being called for, were as follow;

Yeas:—Messrs. Blair, Box, Boyls, Cornwall, Chance, Cox, Jenkins, M'Gregor, M'Knight, M'Williams, Parkinson, Reynolds, Shanley, Sholes, Teas, Wheeler, and Leffler, speaker—17.

Nays:—Messrs. Childs, Quigley, Sheldon, and Smith—4.

So the bill was ordered to be engrossed for the third reading.

The following communication was received from the Council by their secretary:

“Mr. Speaker,—The Council have concurred in the amendment made by the House of Representatives to the amendment of Council to bill No. 16, entitled ‘A bill providing for the taking the second census or enumeration of the inhabitants of the territory of Wisconsin.’

“I have been directed to return the substitutes of this house to bills

“Nos. 30, entitled ‘A bill to divorce Abraham Jones and Lucinda Jones from the bonds of matrimony, and for other purposes,’ and

“No. 32, entitled ‘A bill to divorce Martha Newton from her husband, John C. Newton,’

“And to request the action of this house on the original bills herewith sent;”

And then he withdrew.

On motion of Mr. Teas,

The house went into a committee of the whole on bill No. 78, entitled “A bill concerning costs and fees;” Mr. Sholes in the chair.

After some time the committee rose, and, by their chairman, reported said bill with amendments.

The bill was then laid on the table.

Mr. Cox gave notice that he would, at some future day, bring in a bill to regulate the publication and distribution of the laws, and for other purposes.

Mr. Jenkins gave notice that he would, at some future day, introduce a bill for an act prescribing certain duties of the county commissioners of Henry county, in reference to the quarter section of land upon which Mount Pleasant, in said

county, is located under the provisions of an act of Congress, May 26, 1824.

Mr. Box gave notice that he would, at some future day, bring in a bill to incorporate the town of Fort Madison, in Lee county.

The house adjourned.

Friday, December 29, 1837.

Mr. Chance moved that so much of the proceedings of yesterday, as relates to Mr. Clarke, be expunged from the Journal; Which motion was disagreed to.

On motion of Mr. Jenkins,

The following preamble and resolution were adopted:

Whereas there is much dissatisfaction with the people of this territory in relation to that part of the organic law, which prescribes and makes the term of service of members of the Council to be four years, and that of the House of Representatives two years; and whereas it is vitally important that the power vested in them of selecting their own representation should revert again to them, with the privilege of changing, if need be, their representation in the House every year, and in the Council every two years; therefore,

Resolved, That the committee on the judiciary be required to memorialize Congress upon the expediency and necessity of so altering the said act as to reduce the term of service for each branch of the legislative assembly one half.

Mr. Teas offered the following resolution:

Resolved, by the Council and House of Representatives of the territory of Wisconsin, that our delegate in Congress, the Hon. G. W. Jones, is hereby requested to ask for an appropri-

ation of Congress to construct a bridge across Skunk river, at the town of Augusta.

On motion of Mr. Jenkins,

The said resolution was laid on the table,

On motion of Mr. Parkinson, the following preamble and resolution were adopted:

Whereas a resolution was passed by this house, requiring the sergeant-at-arms, doorkeeper, assistant doorkeeper, the messenger, and assistant messenger, to remain in this house till 9 o'clock, P. M., each and every day; and whereas, by the rules of the house, the officers are under the direction of the speaker; therefore,

Resolved, that the said resolution be, and hereby is, rescinded.

Mr. Brunson, from the committee on engrossments, reported bill No. 12, entitled, "A bill for the partition of the half breed lands, and for other purposes," to be correctly engrossed.

Mr. McWilliams, from the committee on enrolments, reported the following acts to be correctly enrolled, viz:

"An act providing for the taking the second census or enumeration of the inhabitants of the territory of Wisconsin."

"An act to lay out a territorial road from the White Oak Springs, and for other purposes."

"An act to lay out a territorial road, east of the Mississippi, and for other purposes."

They were then presented to, signed by the speaker, and ordered to be sent to the President of the Council for his signature.

Mr. Box, from the committee of the entire delegation of Des Moines to which was referred the bill "establishing the boundaries of the counties of Lee, Van Buren, Des Moines, Henry, Louisa, Wayne, and Slaughter, to locate the seats of justice of said counties, and for other purposes," together with the message of the executive in relation thereto, made the following report:

"Your committee are of opinion that, taking every thing into consideration, nothing better can be done, under existing circumstances, than to concede to, and make such amendments to said bill as suggested by the executive, and also add one half of the northern tier of townships now belonging to Des Moines

to the county of Louisa, and one-third of the eastern tier of townships of Slaughter: and while such a change in the present boundaries of Des Moines is necessary in order to give sufficient territory to the county of Louisa, it is necessary in order to make up the deficiency which the curtailment of the counties aforesaid occasions, to add one-third of the most eastern tier of townships of Henry to the county of Des Moines, running, however, only to Skunk river; and your committee further suggest the propriety of leaving the location of the seats of justice of the several counties to the people, except Henry, which is petitioned for, by its citizens without opposition, to be located by an act of the legislature.

“JOHN BOX,

“W. L. JENKINS,

“J. LEFFLER,

“DAVID R. CHANCE.”

The said report was laid on the table.

Mr. Quigley, from the committee appointed in pursuance of a resolution adopted by this house on the 21st inst., to inquire into the situation and progress of the public buildings at Madison, and to report the same to the house, made the following report:

“Your committee have carefully examined the report and account of the acting commissioner, and find that the commissioners appointed under the third section of an act passed by the legislature at its last session, and approved December 3, 1836, met at Mineral Point on the 4th day of May, in the same year, and appointed A. A. Bird their acting commissioner, and James D. Doty treasurer; that the treasurer has drawn from the treasury of the United States, the sum of twenty thousand dollars, and that the acting commissioner went on to purchase teams, hired hands, and building of houses, most of which are on the property of individuals, and the cost of which have been paid out of the public money. One of these buildings, a steam mill, cost \$51,61,72. Your committee believe it can be sold for the amount of cost. The other buildings and improvements made at the town of Madison, must be sold, (if sold at all,) at considerable loss to the territory.

“The ground on which the capitol is being erected, from

the information of the acting commissioner, is a square lot of eighteen acres, laid out on the plat, by the proprietors of the town of Madison, as the public square; which plat the said commissioner informs your committee, is recorded according to law.

“ It further appears, that the said commission-

ers have expended the sum of \$17,900 12

“ Which would leave a balance on hand of 2,099 88

\$20,000 00

“ Of this \$17,900 expended, your committee finds paid out for the following items, viz :

“ For provisions, horses, oxen,
cows, wagons, household, and
kitchen furniture, - - \$7,212 91

“ For steam mill, other houses, and
capitol, - - - - 9,014 59

“ For expenses in going after mo-
ney to Green Bay and other
travelling expenses, - - 738 18

“ For the hire of teams, &c., - 934 44—\$17,900 12

“ Deduct from this sum the value
of steam mill, - - - 5,161 72

“ Deduct of out-houses, &c., valued
at, - - - - 2,500 00

“ Deduct cost of bridge, - - 200 00

“ Deduct cost of two wharves, 150 00

“ Deduct amount of sundries on
hand, - - - - 2,777 31 — 10,788 03

\$7,112 09

“ Amount supposed to be expend-
ed on capitol, would be \$7112 09

“ Which deduct from the amount
of appropriation made by Con-
gress of - - - - \$20,000 00

“ Would leave a balance in the
hands of commissioners, unex-
pended on the public buildings of \$12,887 91

“Your committee would further remark, that the amount of stone work done on the capitol, is seven hundred and seventy-five perches, at the estimate price of the acting commissioner, which is two dollars and fifty cents per perch, would amount to the sum of \$1,937,50, leaving a balance of five thousand two hundred and seventy-four dollars and fifty-nine cents, for other work done, which are not enumerated; but supposing the work to cost double the estimate, it would still leave a balance not satisfactorily accounted for, of \$3,337,09; which, added to the aforesaid balance of twelve thousand eight hundred and eighty-seven dollars ninety-one cents, in the commissioners' hands, would be 16,224 dollars.

“Your committee regret that they cannot conclude this report without expressing their disapprobation of the course pursued by the commissioners, as respects their disregard of the law by which they hold their authority. The third section of that law provides that “The commissioners, or a majority of them, shall agree upon a plan of said buildings, and shall issue proposals, giving due notice thereof, and shall contract for the erection of said buildings without delay.” This provision of the law, your committee regret to report, has not been complied with. It is true the commissioners have, in the month of September last, advertised for proposals, but then that was after the greatest part of the appropriation made by Congress was expended:

“In the opinion of your committee, the utmost credit is due to the acting commissioner, for his exertions and perseverance, in carrying on the work under the adverse circumstances that had to be encountered in that remote situation; and also, your committee believe that the account of expenses rendered by the acting commissioner is entirely correct; which account, together with the accompanying estimate, (see Appendix, ‘No. 4,’) are respectfully submitted to your honourable body; and your committee would respectfully ask the adoption of the following resolutions:

“PATRICK QUIGLEY, Chairman.”

“Resolved, That a select committee be appointed to report to this house, without delay, a bill, with the view of repealing the third section of an act, entitled ‘An act to provide for locating the seat of government of Wisconsin territory,’ approved December 3, 1836, and also to provide for the future superintendence and finishing of the capitol at Madison, and that the memorial, asking twenty thousand dollars, be adopted.

“Resolved, That the committee be discharged from the further consideration of the subject matter referred to them.”

The report and resolutions were adopted.

The following communication was received from the Council by their secretary:

“Mr. Speaker,—The Council have passed a resolution for the appointment of a joint committee from the two houses of this legislative assembly to select such of the laws of Michigan as, in their judgment, they may think proper, and report the same to their respective houses by their titles, that they may be adopted and printed, in pamphlet form, for the use of the territory; and have appointed Messrs. Foley, Smith, and Sweet the committee on the part of the Council.”

And then he withdrew.

Mr. Brunson, in pursuance of previous notice, introduced bill No. 105, entitled “A bill to incorporate the stockholders of the State Bank of Wisconsin, at Prairie du Chien;”

Which was read a first time, and laid on the table.

On motion of Mr. Cox,

The memorial to Congress for an appropriation of \$20,000 to complete the public buildings at the seat of government, passed by the Council, was read the second time.

On motion, the several rules were suspended with reference to said memorial, and it was read the third time and passed.

Ordered that the Council be informed.

The substitute to bill No. 60, entitled “A bill to provide for laying out and opening territorial roads,” received from the Council, was then read the first time.

The different rules were suspended with reference to said bill, which was then read the second time, and considered by the house.

Ordered, that the bill be engrossed for the third reading.

On motion,

The 16th rule was suspended with reference to said bill, and it was then read the third time, passed, title agreed to, and

Ordered, that the Council be informed.

On motion of Mr. Sholes,

The resolution of the Council relative to the appointment of persons to select laws from statutes of Michigan, &c., was concurred in.

Messrs. Sholes, Quigley, and Chance, were appointed the committee on the part of the house.

Ordered, that the Council be informed.

Bill No. 12, (substitute,) entitled "A bill for the partition of the half breed lands, and for other purposes," was read the third time, and

The yeas and nays being called on the question of the final passage of said bill, were as follow:

Yeas:—Messrs. Blair, Box, Boyls, Cornwall, Chance, Cox, Engle, Jenkins, M'Gregor, M'Knight, M'Williams, Nowlin, Parkinson, Quigley, Reynolds, Sheldon, Smith, Shanley, Sholes, Wheeler, and Leffler, speaker—21.

Nays:—Messrs. Brunson, Childs, and Teas—3.

The title of the said bill was then agreed to.

Ordered, that the clerk request the concurrence of the Council in the said bill.

Bill No. 77, entitled "A bill to organize the county of Walworth, and to establish the seat of justice thereof," was read the third time, passed, and the title agreed to.

Ordered, that the clerk request the concurrence of the Council in the said bill.

On motion of Mr. Chance,

The house resolved itself into a committee of the whole, on the report of the committee composed of the delegation from Des Moines county, to which was referred the bill establishing the boundaries of the county of Lee, &c., together with the message of the executive in relation thereto; Mr. Engle in the chair.

After some time the committee rose, and by their chairman reported said report, without amendment.

Mr. Childs offered the following resolution :

Resolved, That for the purpose of establishing the boundary lines of the several counties, laid off in the original county of Des Moines, the committee appointed for that purpose is hereby instructed by this house to report a bill without delay, in accordance with the recommendation as expressed in the executive message on the said bill.

Mr. Teas moved to lay the report of the committee and the resolution on the table :

Which was disagreed to.

The question then recurred on Mr. Childs' resolution, and on that question, the yeas and nays being called for, were as follow :

Yeas:—Messrs. Box, Childs, Chance, Engle, Jenkins, M'Gregor, M'Williams, Nowlin, Quigley, Sheldon, Smith, Sholes, and Wheeler—13.

Nays:—Messrs. Blair, Boyls, Brunson, Cornwall, M'Knight, Parkinson, Reynolds, Shanley, Teas, and Leffler, speaker—10.

The house then adjourned till three o'clock, P. M.

3 O'CLOCK, P. M.

Bill No. 78, entitled "A bill concerning costs and fees," was taken up.

On motion of Mr. Chance,

So much of the report of the committee of the whole, as increased jurors' fees from seventy-five cents, to one dollar and fifty cents, was disagreed to.

On the question to agree to the amendments made to the bill by the committee of the whole, as amended by the house, the yeas and nays were called for, and were as follow :

Yeas:—Messrs. Blair, Boyls, Brunson, Childs, Chance, Cox, Engle, Jenkins, M'Gregor, M'Knight, M'Williams, Parkinson, Quigley, Reynolds, Sholes, Wheeler, and Leffler, speaker—17.

Nays:—Messrs. Box, Cornwall, Sheldon, Smith, Shanley, and Teas—6.

So the amendments were agreed to.

The bill was then ordered to be engrossed for the third reading.

Mr. Chance moved to reconsider the resolution passed by the house this morning, instructing the Des Moines delegation to report a bill concerning the boundaries of the counties to be formed out of Des Moines county.

The motion was laid on the table.

The following bills from the Council were then considered:

No. 15, Council file, entitled, "A bill for assessing and collecting county revenue," was referred to the judiciary committee.

The house resolved itself into a committee of the whole on bill No. 35, Council file, entitled "A bill providing for the number of town officers, and for the tenure of county and town officers;" Mr. Engle in the chair.

After a short time the committee rose, and by their chairman reported said bill, with amendments.

The amendments were agreed to, and

The bill was ordered to be engrossed for a third reading.

The sixteenth rule was suspended, and the bill was read a third time, passed, and title amended to read,

"A bill concerning town and county officers in the several counties of Brown, Milwaukee, and Racine, and the counties attached to them for judicial purposes."

Ordered that the Council be informed.

The house resolved itself into committee of the whole on bill

No. 21, Council file, entitled "A bill for the relief of the poor;" Mr. Sheldon in the chair.

After some time the committee rose, and by their chairman reported the bill without amendment.

The bill was then ordered to be engrossed for a third reading.

On motion of Mr. Engle,

The sixteenth rule was suspended in reference to said bill, and it was then read the third time, passed, and title agreed to.

Ordered that the Council be informed.

The following communication was received from the Council by their secretary:

"Mr. Speaker,—The Council have passed bills of the following titles, viz:

"No. 49, entitled 'A bill to locate and establish a territorial road from Janesville to Mineral Point.

"No. 50, entitled 'A bill to locate and establish a territorial road from Mineral Point to Savannah, on the Wisconsin river.'

"No. 53, entitled 'A bill to locate and establish a territorial road from Madison, in Dane county, to the state line of Illinois, in Walworth county;' in which bills I am directed to ask the concurrence of this house."

"The Council have concurred in bills from this house, with amendments, viz:

"No. 30, entitled 'A bill to authorize the town of Milwaukee, on the west side of river, to borrow money.'

"No. 31, entitled 'A bill to incorporate the Milwaukee and Rock River Canal Company.'

"No. 93, entitled 'An act to provide for the sale of the land on which the seat of justice of Racine county is placed;'"

And then he withdrew.

Bill No. 25, entitled "A bill to locate and establish a territorial road from Beloit to Goodhue's mills;" and

No. 28, entitled "A bill to locate and establish a territorial road from Madison, in Dane county, to the southern boundary of Green county," were then taken up, and,

On motion of Mr. Sheldon,

The house resolved itself into a committee of the whole on said bills; Mr. McGregor in the chair.

After some time the committee rose, and by their chairman reported said bill without amendment.

Ordered, that said bills do lie on the table.

On motion,

The several rules were suspended with reference to bill No. 34, Council file, entitled "A bill to amend an act, entitled 'An act establishing the county boundaries of Portage county,'" and

Ordered, that said bill do lie on the table.

On motion of Mr. Teas,

The house resolved itself into a committee of the whole on bill No. 46, entitled "A bill to authorize the county commissioners to levy a tax for county purposes;" Mr. Engle in the chair.

After some time the committee rose, and by their chairman reported the said bill without amendment.

Ordered, that said bill be committed to the committee on the judiciary.

Notices were then given that bills would be introduced at a future day, as follows:

By Mr. Chance; "A bill to incorporate the Philandrian College, in the town of Denmark."

By Mr. Nowlin; "A bill for a territorial road from Charleston, in Jackson county, to Charleston, in Jones county."

"A bill relative to stray animals."

"A bill to create two additional election precincts in Scott county, and for other purposes."

By Mr. Box; "A bill to establish a seminary at Benton's Port."

By Mr. Parkinson; "A bill to provide for the election of county surveyors."

And then the house adjourned.

Saturday, December 30, 1837.

On motion of Mr. Blair,

Leave of absence was granted to the messenger of this house until Tuesday next.

Mr. Jenkins presented the petition of inhabitants of Henry county, for the relief of John Stowe.

Referred to a select committee, viz: Messrs. Jenkins, Chance, and Box.

On motion of Mr. Cox, the following resolution was taken up:

Resolved, That this house adjourn on the 19th of January next, the Council concurring herein, and that this house receive no new matter after the 13th of next month, unless the same have strict reference to bills that may be introduced previous to that time.

Mr. Sholes moved to amend the resolution by striking out "19th," and inserting "10th."

Mr. Sheldon moved to amend the amendment by substituting "30th," for "10th."

The question was severed, and first taken on striking out "19th."

The motion to strike out was lost.

The resolution was laid on the table.

The amendments made by the Council to the following bills were severally read and concurred in, viz:

No. 30, entitled "A bill to authorize the town of Milwaukee, on the west side of the river, to borrow money."

No. 31, H. R. file, entitled "A bill to incorporate the Milwaukee and Rock River Canal Company."

No. 93, H. R. file, entitled, "An act to provide for the sale of the land on which the seat of justice of Racine county is placed."

Ordered, that the clerk acquaint the Council thereof.

Bill No. 55, entitled "A bill defining the boundaries of Portage county, and for other purposes," was read the second time, and

The rule requiring all bills to be considered in committee of the whole was suspended, and the bill was considered by the house.

The 16th rule was then suspended, and said bill was read the third time, passed, title agreed to, and

Ordered to be sent to the Council for concurrence.

Bill No. 34, entitled "A bill for an act prescribing the mode of trying the right of property," was read the second time.

The house resolved itself into a committee of the whole on said bill; Mr. Engle in the chair.

After a short time the committee rose, and reported the bill with amendments.

The amendments were agreed to.

The bill was further amended by striking out "twelve," in the eleventh line of the first section, and inserting the word "six."

On motion,

The bill was indefinitely postponed.

The following message was received from the Council by the secretary thereof:

"Mr. Speaker,—The Council have passed bill No. 11, entitled 'A bill to incorporate the stockholders of the Banks of Racine and Iowa;'

'In which I am directed to ask the concurrence of this house;'

And then he withdrew.

Bill No. 83, entitled "A bill to encourage the destruction of wolves," was read a second time, and

On motion of Mr. Chance,

The bill was indefinitely postponed.

Bill No. 21, (substitute,) entitled "A bill for an act to amend 'An act concerning judgments and executions,'" was read the second time.

The house resolved itself into a committee of the whole on said bill, Mr. Teas in the chair.

After some time the committee rose, and, by their chairman, reported the bill with an amendment.

The amendment was agreed to.

The bill was laid on the table.

Messrs. Quigley, Sheldon, Cox, Childs, Chance, and Brunson were appointed a committee, under the resolution of yesterday, to report a bill with the view of repealing the third section of an act entitled "An act to provide for locating the seat of government of Wisconsin territory, approved December 3d, 1836, and to provide for the future superintendence and finishing of the capitol at Madison."

Mr. Teas, agreeably to previous notice, introduced bill No. 106, entitled "A bill to regulate mills and millers;"

Which was read the first time, and laid on the table.
The house adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

Mr. Jenkins presented the account of Murray and Prine, for furniture furnished the House of Representatives.

Referred to the committee on expenses.

Mr. Chance presented a petition of inhabitants of Burlington, praying for a charter of incorporation.

Referred to the committee on corporations.

Mr. Sheldon, from the select committee to which was referred messages from the Council, concerning the unparliamentary mode of proceeding, on the part of the House of Representatives, in passing substitutes for bills sent to them from the Council, submitted the following report and resolution :

"The select committee to which was referred messages from the Council, concerning the unparliamentary mode of proceeding on the part of the House of Representatives, in passing substitutes for bills sent to them from the Council for concurrence, make the following report :

"The Council have sent back to the house three bills, which are considered to have been presented to them in an improper manner. One of these is 'A bill to prevent trespasses, and other injuries being done to the possessions of settlers on the public domain, and to define the extent of the right of possession on the said lands,' and two others, one of them relating to the divorce of Martha Newton, and the other to the divorce of Abraham and Lucinda Jones. These bills originated in the Council, were sent to the house, and were so *materially* amended as to make it proper that they should be sent to the Council in the shape of substitutes, so that they should again be considered and acted upon by that body as original bills. The house, in its action upon these bills, did not introduce new subjects not appropriately connected with the subjects treated of in the bills from the Council, and thus, under the name of substitutes, propose an entirely new and distinct matter for the consideration of the Council, without informing them of the action of the house upon the

different subjects embraced in the bills passed by the Council. To have done this would have indeed been unparliamentary and uncourteous. The house, however, did so amend the bills of the Council in phraseology, in introducing new and distinct provisions, as to make them in fact substitutes for the bills from the Council, and to render it impossible for the house so to amend by striking out and inserting as to make it intelligible, without, indeed, striking out all after the enacting clause, and inserting an entirely new bill, which would be to all intents and purposes a substitute. The committee do not think the adoption of this latter course can be looked upon in any other light, because, if received as a mere amendment from the other house, bills of the most important character, and of the most intricate details, might, in this way, be presented for the consideration of the house, and passed or rejected on a single reading, without a reference to the committee of the whole, without printing, and without an opportunity for the members to understand its provisions.

“Substitutes, in the opinion of this committee, when sent from one house to the other, ought to go through all the readings of new bills. The committee are at a loss to find any thing in the standing rules of the two houses, or the rules of parliamentary proceedings, which pronounces it improper on the part of the house so to have amended the bills above referred to, as to make them assume the shape of substitutes; and the committee express the further opinion, that the action of the house in passing the substitutes, and sending them with the original Council bills to the Council, is a sufficient notification to that body of the disposition of the subjects submitted to the house for their action.

“The committee also would suggest, that it would have been more respectful in the Council to have requested the appointment of a committee of conference, instead of sending back to the house bills which had passed this body, to which their concurrence was requested. The committee conclude by recommending the adoption of the following resolution:

“Resolved, That a committee of conference be appointed to confer with a similar committee, to be appointed by the Coun-

cil, on the subject of the substitutes proposed by the house to bills No. 5, 30, and 32, Council file.' ”

The report and resolution were agreed to, and

Messrs. Sheldon and Engle were appointed the committee of conference.

Ordered, that the clerk acquaint the Council thereof.

The house then proceeded to consider bill No. 21, entitled “A bill for an act to amend ‘An act concerning judgments and executions.’ ”

Mr. Teas moved to lay the bill on the table, until Tuesday next.

The motion was lost.

Mr. Jenkins offered the following amendment to the first section of the bill:

Strike out the words “one year,” and insert,

“On all sums under the following restrictions, viz:

“Sums over five dollars, and under ten dollars, thirty days; over ten, and under twenty-five dollars, sixty days; over twenty-five, and under fifty dollars, six months; over fifty, and under one hundred dollars, nine months; over one hundred dollars, twelve months.”

The amendment was lost.

Mr. Box moved to strike out the first section of the bill.

Mr. Teas moved to adjourn, which was disagreed to.

Mr. Chance called for the previous question:

The previous question being put in these words, “Shall the main question be now put,”

It was decided in the affirmative.

The main question was then taken on engrossing the bill for the third reading, and the yeas and nays being called for, were as follow:

Yeas:—Messrs. Boyls, Childs, Cornwall, Chance, Cox, Engle, M’Gregor, M’Knight, M’Williams, Nowlin, Parkinson, Quigley, Reynolds, Sheldon, Shanley, Sholes, and Wheeler—17.

Nays:—Messrs. Blair, Box, Brunson, Jenkins, Teas, and Leffler, speaker—6.

So the bill was ordered to be engrossed for a third reading.

The following message was received from the Council, by the secretary:

“Mr. Speaker,

“The Council have passed the following resolutions:

“Resolved, That, in the opinion of this Council, the political year of the territory of Wisconsin commenced the fourth of July, 1836, and by the fourth section of the act of Congress of the United States, entitled ‘An act establishing the territorial government of Wisconsin, it is Provided, That no session of the legislative assembly shall exceed the term of seventy-five days in any year:

“Resolved, Therefore, that, in the opinion of this Council, it does not become necessary for the legislative assembly to adjourn and commence a new session; but may continue to sit seventy-five days, as provided for in said act of Congress.

“The concurrence of the House of Representatives is requested:”

And then he withdrew.

On motion of Mr. Sheldon,

The resolutions just received from the Council were laid on the table.

Mr. Chance moved to adjourn,

The motion was lost.

Mr. Childs moved to adjourn until Tuesday next; and the yeas and nays being called for, were as follow:

Yeas:—Messrs. Childs, Cornwall, Engle, M^cKnight, M^cGregor, Quigley, Reynolds, Sheldon, Shanley, Teas, and Leffler, speaker—11.

Nays:—Messrs. Blair, Box, Boyls, Brunson, Chance, Cox, Jenkins, M^cWilliams, Nowlin, Sholes, Wheeler, and Parkinson—12.

So the house refused to adjourn.

Mr. Chance renewed the motion to adjourn till Tuesday next; and the question being taken, it was decided in the affirmative.

So the house adjourned until Tuesday next, at 10 o'clock, A. M.

Tuesday, January 2, 1838.

A message was received from his excellency the governor, informing the house, that he had examined and approved the following acts, viz:

“An act providing for taking the second census, or enumeration of the inhabitants of the territory of Wisconsin.”

“An act to lay out a territorial road from the White Oak Springs, and for other purposes,” and

“An act to lay out a territorial road east of the Mississippi, and for other purposes.”

Mr. Blair presented the petitions of inhabitants of Louisa county, for ferries across the Iowa river.

Referred to the following select committee, viz; Messrs. Blair, Reynolds, and Box.

Mr. Quigley presented the petition of inhabitants of Dubuque and Muscatine counties, praying for the location of a territorial road.

Referred to the committee on roads and highways.

Mr. Quigley presented the account of G. W. Cummings, sheriff of the county of Dubuque, against the territory.

Referred to the committee on expenses.

Mr. Box, agreeably to notice previously given, introduced bill No. 107, entitled “A bill to establish a seminary at Fort Madison, in Lee county.”

Read the first and second times, the rule requiring all bills to be printed after the first reading being suspended with reference to said bill.

On motion of Mr. Sheldon,

Leave of absence was granted to Mr. McGregor for five days.

Mr. Quigley, from the committee on schools, reported

Bill No. 108, entitled “A bill to regulate the sale of school lands, and to provide for organizing and perpetuating common schools.”

Read the first and second times, the rule requiring all bills to be printed after the first reading having been suspended with reference to said bill.

On motion of Mr. Shanley,

Bill No. 56 was read the second time.

The house then went into committee of the whole on said bill, Mr. Nowlin in the chair.

After a short time the committee rose, reported the progress made therein, and asked leave to sit again.

Leave was granted.

The bill was then made the order of the day for Thursday next.

On motion of Mr. Nowlin,

All bills and petitions, for territorial roads were referred to the following select committee, viz:

Messrs. Nowlin, Cox, and Brunson.

On motion of Mr. Brunson,

The rule requiring all bills to be printed on being read the first time, was suspended in reference to bill No. 105, entitled "A bill to incorporate the stockholders of the State Bank of Wisconsin, at Prairie du Chien."

Mr. Smith, from the committee to which was referred the petition of Louisa Ann Sibley, reported

Bill No. 109, entitled "A bill to divorce Louisa Ann Sibley from her husband, William T. Sibley."

Read the first and second times; the rule requiring bills to be printed after the first reading being suspended, and,

On motion of Mr. Nowlin,

The said bill was recommitted to the committee by whom it was reported.

Mr. M. Williams, from the committee on enrolments, reported the following acts and memorial to be correctly enrolled, viz:

"A memorial to Congress for an appropriation of \$20,000, to complete the public buildings at the seat of government."

"An act to provide for the sale of the land on which the seat of justice of Racine county is located."

"An act to provide for laying out and opening territorial roads."

"An act to establish the several towns in the counties of Milwaukee, Brown, and Racine, and the counties attached for judicial purposes."

The said memorial and acts were then presented to, signed by the speaker, and ordered to be sent to the president of the Council for his signature.

On motion of Mr. Childs,

The house resolved itself into the committee of the whole on bill

No. 98, entitled "A bill to authorize the building a dam across the Manitowoc river;" Mr. Wheeler in the chair.

After some time the committee rose, and by their chairman reported said bill with an amendment.

The amendment was agreed to, and

The bill was ordered to be engrossed for the third reading.

On motion of Mr. Childs,

The sixteenth rule was suspended, with reference to said bill, in order that the bill be read the third time to-day.

The bill was then read the third time, passed, and the title thereof agreed to.

Ordered, that the clerk request the concurrence of the Council in the said bill.

On motion of Mr. Parkinson,

The house resolved itself into a committee of the whole; Mr. Teas in the chair, on the following bills, viz:

Bill No. 68, entitled "A bill to authorize Jeremiah Smith, senior, to establish a ferry across the Iowa river, at the county seat of Louisa county."

No. 69, entitled "A bill to authorize Philip B. Harrison to establish a ferry across the Iowa river at Florence, Louisa county."

No. 72, entitled "A bill to authorize John J. Rinearson and Walter Butler to keep a ferry."

No. 73, entitled "A bill to authorize Benjamin L. Webb to keep a ferry across the Wisconsin river at Helena."

No. 74, entitled "A bill to authorize Wm. S. Hamilton to establish and keep a ferry across the Wisconsin river."

No. 75, entitled "A bill to authorize Aaron White to establish and keep a ferry across the Mississippi river at Fort Madison."

No. 76, entitled "A bill to establish a ferry across the Mississippi river at the town of Davenport."

No. 91, entitled "A bill to authorize Samuel Doolittle to keep a ferry across the Mississippi at the town of Camanche."

No. 92, entitled "A bill to establish a ferry across the Mississippi at the town of Fort Madison."

No. 94, entitled "A bill to authorize Isaac Galland to establish a ferry across the Mississippi river at Montrose."

No. 101, entitled "A bill to authorize Henry Holtzbroker to keep a ferry."

After some time the committee rose, and by their chairman, reported bills Nos. 69, 72, 73, 74, 76, 91, and 101, without amendments, and bills Nos. 68, 75, 92, and 94, with amendments.

Mr. Quigley moved to lay bill No. 75 on the table, and on this question, the yeas and nays being called for, were as follow:

Yeas:—Messrs. Chance, Cox, M'Williams, Quigley, Smith, and Sholes—6.

Nays:—Messrs. Blair, Box, Boyls, Brunson, Brunet, Childs, Cornwall, Jenkins, M'Knight, Nowlin, Parkinson, Reynolds, Shanley, Teas, Wheeler, Leffler, speaker—16.

So the house refused to lay the bill on the table.

On motion of Mr. Teas,

The second section of said bill was stricken out, and the following inserted as a substitute therefor:

"That no district court or board of county commissioners shall grant to any person or persons the right to establish a ferry across said river within two miles immediately above the lower line of Broadway street within said town of Fort Madison."

On motion of Mr. Chance,

Ordered, that all the bills and petitions lying upon the table relative to the establishment of ferries be referred to a select committee.

Messrs. Chance, Childs, Nowlin, Brunet, Cox, and Cornwall were appointed the committee.

On motion of Mr. Blair,

Ordered that the petitions of sundry citizens of Louisa county for ferries across the Iowa river, be referred to the same committee; and that the committee to which they were previously referred be discharged.

Mr. Chance moved to reconsider the vote instructing the committee, composed of the entire delegation of the county of Des Moines, to bring in a bill relative to the division of Des Moines county;

Which was disagreed to.

Mr. Teas, by leave, presented the petitions of sundry citizens of Des Moines county, relative to the division of said county.

Referred to the committee composed of the delegation of the county of Des Moines.

On motion of Mr. Cox,

Resolved, That the select committee composed of the Des Moines delegation, for the purpose of dividing the original county of Des Moines, be instructed to report to this house the number of petitioners for each particular division, as well as the number praying for the location of certain county seats.

The house adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

Bill No. 105, entitled "A bill to incorporate the stockholders of the State Bank of Wisconsin, at Prairie du Chien," was taken up.

On motion of Mr. Brunson, the house resolved itself into a committee of the whole on said bill; Mr. Sheldon in the chair.

After some time the committee rose, and, by their chairman, reported said bill without amendments.

On motion of Mr. Cox,

The following amendments were made:—Strike out "Council," in sec. 6, and insert "Assembly." Insert, in 1st sec., 7th line, after the word "and," the words "that books of."

Said bill was then ordered to be engrossed for the third reading.

The 16th rule was suspended with reference to said bill, which was then read the third time, passed, and title agreed to.

Ordered, that the clerk request the concurrence of the Council in said bill.

Mr. Sholes, from the select committee to which was referred the charges made by John Wilson against Alexander W. McGregor, made the following report:

The select committee appointed by the house, under a resolution adopted on the fourth day December last, to investigate the truth of certain charges made by John Wilson, of Stephenson, Illinois, against A. W. McGregor, a member of the House of Representatives from Dubuque county, beg leave respectfully to submit the following:

It appears that on the second day of December last, a deposition was made before David Hendershot, a justice of the peace in and for the county of Des Moines, at the town of Burlington, in the words following, to wit:

“ THE DEPOSITION OF JOHN WILSON.

“ I, John Wilson, being duly sworn, depose and say that previous to the election of Alexander McGregor, as a representative from the county of Dubuque, in the legislative assembly of Wisconsin territory, I held a conversation with said McGregor, in which I stated to him that I was desirous of obtaining from the legislature a grant of a ferry privilege from Davenport in said county of Dubuque, to Stephenson in the state of Illinois, upon which the said McGregor proposed to me that I should use my influence to procure his election, and stated that, if elected, he would exert himself to procure for me the grant from the legislature. After the said McGregor was elected, and the Friday previous to the commencement of the session of the legislature, I conversed with him, and repeated my request that he would use his influence for me, and promised him that I would pay him one hundred dollars if the law passed. He then gave me his promise that he would lend me his influence, and drew up for me a petition at my request. To this petition

I procured signatures, and on Thursday after the commencement of the session, I presented to him the petition and other papers, at this place, when he again promised me his influence. I then proceeded to St. Louis on business, and returned to this place on Tuesday last, the 28th instant. On the evening of Tuesday, I called upon M'Gregor, and inquired concerning my petitions. He stated to me that he had not presented them; that his reason for not doing so was, that he had received another petition for the same purpose from a company; that he had not presented this petition from the company (which I ascertained the next morning to be false, and that he had presented it,) but that he felt bound to present it, as it came from his friends, and that his brother was interested. I repeated my offer to pay him the \$100, if he would get my grant from the legislature; he replied that it was not enough, but that if I would pay him \$300, he would present the petition of the company, (for he felt bound to do so much for them,) and permit their bill to be lost, and exert his influence for me. To this I replied, that I thought he asked too much. He then answered that I was owner of some ferry-boats, and that I had better pay him \$300, than to have the company to get a charter, and then run the risk of selling or not selling my boats. I told him that I would think of it, and see him in the morning. I saw him the next morning, and informed him that I would comply with his demand. He then advised me to get some other person to present my petitions and papers, and stated that he would let his bill be lost, and support mine. He then drew up a note for \$300, and annexed to it a stipulation that he wished me to sign. I signed them, and requested him to give me a copy of them. He then wrote a copy of them, and handed them to me. The following is a copy verbatim of the note and stipulation.

" \$300.00.

Burlington, November 29, 1837.

" "Thirty days after date I promise to pay Alexander W. M'Gregor, or order, the sum of three hundred dollars for value received.

(Signed)

" "JOHN WILSON."

"The above note is not given in consideration of any account said M'Gregor may have against me up to this date for profes-

sional services, neither on any settlement between him and I, but the accounts shall stand unsettled."

(Signed)

"JOHN WILSON.

Deposition signed,

"JOHN WILSON."

"Personally appeared before me, the undersigned, an acting justice of the peace in and for the county of Des Moines, John Wilson, known to me to be the identical person who signed the instrument, and upon his oath say that the foregoing instrument above to be substantially true. Sworn to and subscribed before me, this second day of December, 1837—Burlington, Des Moines county, territory of Wisconsin.

Signed

"DAVID HENDERSHOT, justice of the peace. [L. S.]"

Your committee, in the investigation of the serious charges above made, under oath, against A. W. McGregor, first proceeded to take the deposition of John Wilson. After a careful comparison of the deposition made and cross examination had before the committee, with the deposition containing the original charges, the committee would remark that they can see no incongruities. And farther, your committee would refer to the deposition of Dr. Reynolds, of the House of Representatives, B. W. Clark, and J. Bernard Smith, as containing circumstantial evidence, strongly calculated to sustain the truth of the original charges made. It will appear, by the papers herewith transmitted, that much testimony was taken by, and many depositions had before the committee, in regard to the general character of the accuser and accused, in the neighbourhood in which they reside. Andrew F. Russell, Jonathan W. Parker, Mr. Powers, D. C. Eldridge, John Burnside, Jackson Patton, W. C. Enos, jr., and William H. Patton, jr., have testified, under oath, that the general character of John Wilson, for veracity, in the community in which he lives, is not good; and that they would not believe him under oath, in matters where his interest was concerned. The most of these individuals, with the addition of Antoine Leclerc, have borne testimony to the general good character of A. W. McGregor, in the neighbourhood in which he resides, for honesty and integrity. On the other hand, it will be observed that Mr. Starr, John Lawton, B. W. Clark,

Ebenezer Cook, Dr. Barrows, Thomas Bentley, senior, William T. Brasher, Zechariah Cook, Shannon Gregory, Thomas H. Pendleton, Sylvester M'Master, Jonathan Buffain, William Boggiess, David Sullivan, Henry Parr, John S. Sheller, Henry W. Higgins, A. H. Davenport, James Davenport, S. S. Brown, J. M. Robertson, George B. Sargent, Jonah H. Case, Thomas Bentley, Esq., Charles Eames, John S. Miller, and L. G. Stevens, have testified that the general character of John Wilson for veracity is good, and that they would believe him on his oath. Thirteen of the above named individuals have testified that the general character of A. W. M'Gregor for honesty and integrity is not good. Your committee will leave to the house to decide as to the importance of the testimony in regard to character, with the remark that two or three individuals who testified that the character of Wilson, for veracity, is bad, have had difficulties with him; and although these individuals may have been, and no doubt were, perfectly conscientious in the statements made, it is well known that such circumstances are calculated to bias the most honest minds. The same remarks will apply in the case of two or three persons who have testified as to M'Gregor's bad character for honesty and integrity. Were, however, the bad character of Wilson proved beyond a doubt, (which position your committee are not at all inclined to assume,) there is still much in the evidence before referred to, which, as was before remarked, is strongly calculated to sustain the truth of the charges made in the original affidavit. The depositions, therefore, in regard to character, as far at least as the accusing party is concerned, cannot have, in the opinion of your committee, a very important bearing upon the issue; and testimony, designed to impeach the character of John Wilson, for veracity, favours the great bulk of the evidence that has as yet been produced by the party accused, in his defence. It would be proper here particularly to refer to an affidavit made before the committee, by Alexander W. M'Gregor, setting forth reasons for a delay of their report, by which, it will be seen that he expected farther testimony; the most important of which is that of a Mr. Eads. What Mr. M'Gregor expects to prove by Mr. Eads will be found in the affidavit re-

ferred to. Your committee, however, after a full consideration of the subject, came to the conclusion, the close of the present session being near at hand, that it would not be proper for them to wait for additional evidence, believing that due diligence had not been used by the party applying for delay; and they were farther operated upon by the reflection that the house itself could more properly decide as to the importance or materiality of the affidavit made by M'Gregor: and delay or immediately pronounce, as circumstances might seem to justify, their final judgment upon the subject.

That the conduct of John Wilson was culpable in offering a bribe, no doubt can be entertained. Your committee, however, believe that ignorance, in a measure, as to its impropriety, may properly be urged in his behalf. They would respectfully ask the adoption of the following resolution:

Resolved, That the conduct of John Wilson, in offering to a member of this house a bribe, for the performance of certain legislative services, is highly reprehensible; and that the said John Wilson be brought before the bar of this house, to be reprimanded by the speaker.

In the case of Alexander W. M'Gregor, the committee would propose for adoption the following resolution:

Resolved, That in the opinion of this house, Alexander W. M'Gregor, a member of this body, has been guilty of recovering a bribe, in the shape of a note drawn for \$300, from John Wilson, of Stephenson, Illinois, for services to be performed in a legislative capacity, and that, in consequence thereof, the said Alexander W. M'Gregor ought to be, and hereby is expelled from his seat in this house.

(For documents referred to in the foregoing report, see Appendix, "No. 9.")

The said report and resolutions were made the order of the day for Monday next, and the testimony taken by the committee, and the affidavit of J. R. Smith, in relation thereto, were ordered to be printed.

The speaker laid before the house a communication received from J. W. Grimes, Esq., attorney for John Wilson, protesting against the right of the house to reprimand the said Wilson, and

asking the privilege of being heard as counsel, in defence of said Wilson.

Ordered, that said communication lie on the table.

Mr. Chance, agreeably to notice previously given, introduced Bill No. 110, "A bill to establish the Philandrian College, in the town of Denmark," and

Bill No. 111, "A bill to establish the Union Seminary of Des Moines county."

The said bills were severally read the first time, and the rule requiring all bills to be printed after a first reading was suspended, in reference thereto.

On motion of Mr. Teas,

Bill No. 11, Council file, entitled "A bill to incorporate the Stockholders of the Banks of Racine and Iowa," was read the first time, and the rule to print in reference to said bill suspended.

Mr. Chance moved to make the said bill the order of the day for next Tuesday; which motion was disagreed to.

The said bill was then read the second time, and on motion,

The house resolved itself into a committee of the whole on said bill, Mr. Sholes in the chair.

After a short time the committee rose, and by their chairman reported the bill with amendments.

The amendments were agreed to.

The following message was received from the Council, by their secretary:

"Mr. Speaker,—The Council have passed bill No. 43, entitled 'A bill to license and regulate taverns,' in which bill I am directed to ask the concurrence of this house.

"The Council have concurred in the several amendments made by this house to bill No. 35, entitled 'A bill providing for the number of town officers, and for the tenure of county and town offices;'"

And then he withdrew.

Mr. Chance moved to adjourn; which motion was disagreed to.

Mr. Sheldon offered the following amendment to the said bill:

In the 6th line of the 22d sect., between the words "in" and "and," insert these words,

"Forty thousand dollars in the legal coin of the United States, and the remainder in current bills."

The said amendment was agreed to, and the bill was ordered to be engrossed for the third reading.

The sixteenth rule was suspended, in reference to said bill, and it was then read the third time.

On the question "Shall the bill pass?" the yeas and nays being called for, were as follow:

Yeas:—Messrs. Boyls, Brunson, Brunet, Childs, Cornwall, Cox, M'Knight, M'Williams, Nowlin, Parkinson, Reynolds, Sheldon, Smith, Shanley, Sholes, Teas, Wheeler, and Leffler, speaker—18.

Nays:—Messrs. Blair, Box, and Chance—3.

So the bill passed, and the title was then agreed to.

Ordered, that the clerk request the Council to concur therein.

On motion of Mr. Parkinson,

Resolved, That a select committee be appointed, to which all bills for seminaries originating in and now before this house, shall be referred for the purpose of having the said several bills incorporated in one bill.

Messrs. Parkinson, Quigley, and M'Williams, were appointed said select committee.

And then the house adjourned.

Wednesday, January 3, 1838.

The following message was received from the executive:

"Territory of Wisconsin, Executive }

"Department, Burlington, Jan. 2, 1838. }

"To the Hon. the Speaker of the House of Representatives:

"Sir,—I have this day examined and approved 'An act to

provide for the sale of the land on which the seat of justice of Racine county is located,' and herewith return the same to the House of Representatives.

"Very respectfully,

"Your obedient servant,

"HENRY DODGE."

Mr. Chance presented petitions of sundry inhabitants of Des Moines county, praying the passage of a law, giving power to the commissioners of said county to raise a poll tax for the purpose of building bridges across Flint river.

Referred to the committee on roads and highways.

On motion of Mr. Sheldon,

Resolved, That the resolution which passed this house on the 26th day of December, dispensing with the printing of the daily slips, be rescinded.

Mr. M'Williams, from the committee on enrolment, reported as correctly enrolled, "An act to incorporate the Milwaukee and Rock river Canal Company."

The said act was then presented to, signed by the speaker, and

Ordered to be sent to the president of the Council for his signature.

Mr. Brunson, from the committee on engrossed bills, reported bills Nos. 21 and 87, as correctly engrossed.

Bill No. 87, entitled "A bill to locate the seat of justice of Green county, and for other purposes," was read the third time, and,

On the question of the final passage, the yeas and nays were called for, and were as follow:

Yeas:—Messrs. Blair, Box, Boyls, Brunson, Burnet, Cornwall, Chance, Cox, Jenkins, M'Knight, M'Williams, Nowlin, Parkinson, Shanley, Sholes, Teas, Wheeler, Leffler, speaker—18.

Nays:—Messrs. Quigley, Sheldon, and Smith—3.

So the bill passed; and the title was then amended to read,

"An act to organize the county of Green, and to extend the boundaries thereof."

Ordered that said bill be sent to the Council for concurrence.

Bill No. 21, entitled "A bill for an act to amend 'An act concerning judgments and executions,'" was read the third time.

Mr. Teas offered the following amendment as a rider to the bill:

"The provisions of this act shall not extend to any of the counties formed out of the original county of Des Moines, and pending the question on the amendment."

On motion of Mr. Chance,

The house adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

The amendment offered by Mr. Teas to

Bill No. 21, entitled "A bill for an act to amend 'An act concerning judgments and executions,'" "

Was decided to be out of order.

The question was then taken on the passage of the bill, and the yeas and nays being called for, were as follow:

Yeas:—Messrs. Boyls, Childs, Cornwall, Chance, Cox, Engle, M'Knight, M'Williams, Nowlin, Parkinson, Quigley, Sheldon, Shanley, Sholes, and Wheeler—15.

Nays:—Messrs. Blair, Box, Brunson, Jenkins, Teas, and Leffler, speaker—6.

So the bill passed, and the title was then agreed to.

Ordered, That the clerk request the Council to concur in the said bill.

The following message was received from the Council by the secretary:

"Mr. Speaker,—The Council have appointed Messrs. Sweet and Irwin the committee of conference on their part on the subject of the resolution of the Council declaring the proceedings of the house in relation to the substitutes to bills Nos. 5, 30, and 32, to be unparliamentary.

"The Council have agreed to all the amendments of this house to bill No. 11, entitled 'A bill to incorporate the stock-

holders of the Banks of Racine and Iowa,' except the following, viz:

"To insert after the words 'paid in,' in the 6th line of the 22d section, the words 'forty thousand dollars in the legal coin of the United States, and remainder in current bills:' and have amended the amendment of this house, viz:

"To strike out the name of 'Benjamin F. Wallace,' in the 1st section, and to insert 'John S. David,' in place thereof; by striking out the name of 'John S. David,' and inserting in place thereof the name of 'Hiram C. Bennet.'

"The Council have passed bills of the following titles, viz:

"No. 41, 'A bill concerning grand and petit jurors,' and

"No. 45, 'A bill to establish and regulate ferries in the county of Milwaukee and the counties thereto attached, for judicial purposes;'

"In which bills I am directed to ask the concurrence of this house.

"The Council have concurred in bills of this house entitled as follow:

"No. 9, 'A bill to establish a territorial road from the Forty Mile Point, on Cedar river, to Bloomington, on the Mississippi river.'

"No. 14, 'A bill to incorporate the Wisconsin Insurance Company,' and

"No. 59, 'A bill to locate and establish a territorial road from Dubuque to A. Bankston's.'

"In the first, with an amendment to which, I am directed to ask the concurrence of this house.

"I am directed, also, by a resolution of the Council, to call upon this house for the report of the commissioners elected to superintend the building of the capitol at Madison; and, also, the report of the acting commissioner, in order to have the same printed;'

And then he withdrew.

Mr. Box, from the select committee consisting of the entire delegation of Des Moines county, made the following report: (see Appendix, "No. 5,") and reported bill No. 112, entitled "A bill to establish the boundaries of the counties of Lee, Van

Buren, Des Moines, Henry, Louisa, Wayne, and Slaughter, and for other purposes;"

Which was read the first time.

The rule requiring all bills to be printed on being read the first time was suspended in reference to said bill, and it was then read the second time.

A motion was made by Mr. Teas, to make the bill the order of the day for Friday next; which was disagreed to.

On motion of Mr. Box,

The said bill was made the order of the day for to-morrow.

Mr. M^cWilliams reported the following acts to be correctly enrolled, viz:—"An act to authorize the town of Milwaukee, on the west side of the river, to borrow money."

"An act for the relief of the poor;" and

"An act concerning town and county officers, in the several counties of Brown, Milwaukee, and Racine, and the counties attached to them for judicial purposes."

The said acts were then presented to, signed by the speaker, and ordered to be sent to the president of the Council for his signature.

Bill No. 113, entitled "A bill to amend an act, entitled 'An act to prevent trespass on school lands, approved December 9, 1836,'" was read the first time, and,

On motion of Mr. Chance,

The said bill was committed to the following select committee, viz:

Messrs. Parkinson, Chance, and Shanley.

Bill No. 33, entitled "An act regulating weights and measures," was taken up, and read the second time.

On motion of Mr. Nowlin, the house resolved itself into committee of the whole on said bill; Mr. Jenkins in the chair.

After some time, the committee rose, and reported the progress made therein, and asked leave to sit again; when,

On motion of Mr. Chance,

The said bill was referred to the following select committee, viz:

Messrs. Shanley, Cox, and Chance.

On motion of Mr. Shanley,

The said committee was instructed to report on Friday next. Bill No. 36, entitled "A bill to prevent Sabbath-breaking," was read the second time; when,

Mr. Teas moved that the house resolve itself into committee of the whole on said bill.

The motion was lost.

On motion of Mr. Cox,

The said bill was indefinitely postponed.

Bill No. 58, entitled "A bill concerning divorce and alimony," was read the second time, and,

On motion of Mr. Chance, was indefinitely postponed.

Bill No. 65, entitled "A bill concerning debtors and their securities," was then read the second time, and,

On motion of Mr. Cox, the house went into a committee of the whole on said bill; Mr. Sholes in the chair.

After a short time, the committee rose, and by their chairman reported the said bill without amendment.

The bill was then ordered to be engrossed for the third reading.

On motion of Mr. Boyls, the sixteenth rule was suspended, in reference to said bill, and it was then read the third time, passed, title agreed to, and

Ordered to be transmitted to the Council for concurrence.

On motion of Mr. M'Williams,

Resolved, That the Council be requested to furnish to the House of Representatives, what action, if any has been had thereon, in relation to a resolution, introduced and passed this body, on the twenty-second day of November last, and presented to the Council for concurrence on the twenty-third day of November, which "resolution" is as follows:

"Resolved, By the Council and House of Representatives, (the Council concurring) That both houses meet in the representative hall on some future day, for the purpose of choosing, by joint ballot, three suitable persons to digest such laws as may be enacted, and report them, together with a perfect code, to the next annual session of the legislature, or such progress as they shall have made, at any intervening session of the legislature."

On motion of Mr. Parkinson, the report of the committee appointed to investigate the charges preferred against Alexander M'Gregor, was ordered to be printed.

On motion of Mr. Nowlin,
The house adjourned.

Thursday, January 4, 1838.

A message was received from his excellency, the governor, informing the house that he had examined and approved an act entitled "An act to authorize the town of Milwaukee, on the west side of the river, to borrow money;" and that he returned the following act without his signature, entitled "An act to incorporate the Milwaukee and Rock River Canal Company," with his objection thereto, viz: the omission of the word "not," before the word "inconsistent," in the second line of the ninth section.

The said act, entitled "An act to incorporate the Milwaukee and Rock river," &c., was then amended by inserting the word "not" before the the word "inconsistent," in the second line of the ninth section.

Ordered, that the Council be informed.

A communication was received from the Hon. P. H. Engle, one of the committee appointed by a resolution of the legislative assembly, at the last session, to purchase a territorial library, enclosing a report on that subject. (See Appendix, "No. 6.")

Referred to a select committee, consisting of Messrs. M'Williams, Sheldon, and Brunson.

Mr. M'Knight, from the committee on corporations, by leave, introduced bill No. 114, entitled "A bill to be entitled an act to

incorporate the city of Burlington;" which was read the first time.

The rule to print was suspended, with reference to said bill, and it was read the second time.

Mr. Sheldon offered the following resolution:

Resolved, That there be no new business received by this house after Wednesday next.

Mr. Nowlin moved to amend, by striking out "Wednesday next, and inserting the "15th inst."

On motion of Mr. Teas,

The resolution and amendment were laid on the table.

On motion of Mr. Chance,

Resolved, That the report of the select committee, appointed by a resolution adopted by this house on the 21st ult., respecting the building of the capitol at Madison, be printed.

Mr. Brunson, from the committee on engrossed bills, reported bill No. 78, entitled "A bill concerning costs and fees," to be correctly engrossed.

The said bill was then read a third time: and on the question, "Shall the bill pass?" the yeas and nays were called for, and were as follow:

Yeas:—Messrs. Blair, Boyls, Brunson, Brunet, Childs, Chance, Cox, Engle, Jenkins, M'Knight, M'Williams, Parkinson, Quigley, Reynolds, Shanley, Sholes, Wheeler, and Leffler, speaker—18.

Nays:—Messrs. Box, Nowlin, Sheldon, and Teas—4.

So the bill passed, and the title was then agreed to.

Ordered, to be sent to the Council for concurrence.

Mr. Parkinson, from the select committee to which bill No. 113 was referred, reported the said bill back to the house with an amendment.

The bill was then read the second time, and laid on the table.

Mr. Sheldon moved that the rule requiring bills of a private nature to be considered on Tuesdays, be suspended in reference to bill No. 11, Council file, in order that the said bill be now considered.

The motion was disagreed to.

Bill No. 9, entitled "A bill to locate and establish a territorial

road from Bloomington to the Forty Mile Point on Cedar river," returned by the Council with the following amendment, viz: strike out "Wayne," and insert "Muscatine," in the title of the act, and wherever it occurs throughout the bill, was taken up, and the said amendment was concurred in. Ordered, that the Council be informed.

On motion of Mr. Shanley,

Bill No. 56, entitled "A bill to provide for the election of county surveyor," &c., was referred to the following select committee, viz:

Messrs. Shanley, Parkinson, and Nowlin.

The house then proceeded to consider the order of the day, being

Bill No. 112, entitled "A bill to establish the boundaries of the counties of Lee, Van Buren, Des Moines, Henry, Louisa, Wayne, and Slaughter, and for other purposes."

Mr. Engle moved to refer the bill to a select committee, which was disagreed to.

Mr. Engle then moved to recommit the bill to the select committee by whom it was reported; the motion was agreed to.

Mr. Parkinson moved to rescind the resolution offered by Mr. Childs, and passed by this house, instructing the committee consisting of the Des Moines-delegation, to bring in a bill agreeably to the message of the executive, on the subject of the division of Des Moines county.

The previous question being called for, the main question was unanimously ordered to be put.

The main question was then put, and the yeas and nays being called for, were as follow:

Yeas:—Messrs. Brunson, Brunet, M'Knight, Parkinson, Reynolds, Shanley, and Teas—7.

Nays:—Messrs. Blair, Box, Boyls, Childs, Chance, Cox, Engle, Jenkins, M'Williams, Nowlin, Quigley, Sheldon, Smith, Sholes, Wheeler, and Leffler, speaker—16.

So the motion to rescind the resolution was lost.

On motion of Mr. Jenkins,

The said committee was instructed to report on to-morrow.

Bill No. 18, sent from the Council for concurrence, entitled

"A bill for opening and repairing or vacating public roads and highways," was then read a first and second time; the rule to print having been suspended in reference thereto.

And then the house adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

Mr. Childs offered the following resolution:

Resolved, That Augustus A. Bird, acting commissioner for erecting the public buildings at Madison, the seat of government, or any other person, be requested to present to this house the terms on which he will contract to complete said public buildings.

Mr. Nowlin moved to lay the resolution on the table.

And on this question, the ayes and noes being called, were as follow:

Ayes:—Messrs. Blair, Box, Engle, Nowlin, Sholes, and Wheeler—6.

Noes:—Messrs. Boyls, Brunson, Brunet, Childs, Chance, McKnight, M'Williams, Parkinson, Sheldon, Smith, Shanley, and Leffler, speaker—12.

So the house refused to lay the resolution on the table.

The resolution was then adopted.

Mr. M'Williams, from the committee on enrolments, gave notice that he had, on yesterday, January 3, 1838, presented to the executive, for his signature,

A bill, entitled "An act for laying out and opening territorial roads."

Mr. Blair, by leave, introduced bill No. 115, entitled "A bill to authorize James W. Neally to establish and keep a ferry across the Mississippi river;" which, together with certain papers presented therewith, were referred to the same committee to which previous bills on the same subject were referred.

Bill No. 23, Council file, entitled "A bill to authorize the receipt and disposing of real estate in the several counties in this territory," was then read the first time.

The rule to print was suspended, with reference to said bill, and it was then read the second time.

On motion of Mr. Sheldon,

The house resolved itself into the committee of the whole on said bill; Mr. Engle in the chair. After some time the committee rose, and by their chairman reported said bill to the house without amendment.

Ordered to be engrossed for the third reading.

The 16th rule was then suspended with reference to said bill; which was read the third time; passed, the title thereof amended to read;

“A bill to authorize the several counties in this territory to hold and convey real estate, to sue and be sued, and for other purposes.”

Ordered that the Council be informed:

Bill No. 41, Council file, entitled “A bill concerning grand and petit jurors,” was read the first and second times; the rule to print having been suspended with reference to said bill, when,

On motion, the same was referred to the committee on the judiciary.

Bill No. 43, Council file, entitled “A bill to license and regulate taverns,” was read the first and second times, the rule to print having been suspended with reference to said bill.

On motion of Mr. Childs,

The house resolved itself into the committee of the whole on said bill; Mr. Engle in the chair. After some time the committee rose, and by their chairman reported the bill with an amendment.

On motion of Mr. Nowlin, the bill was referred to the following select committee:

Messrs. Nowlin, Childs, and Box.

Bill No. 24, Council file, entitled “A bill to make valid the location of a road from Racine to Janesville, Rock county,” was then read the first and second times, the rule to print being suspended with reference to said bill.

On motion of Mr. Parkinson,

The house resolved itself into the committee of the whole on said bill, Mr. Chance in the chair.

After a short time the committee rose, and by their chairman reported the said bill with amendments.

The amendments of the committee were agreed to.

Ordered, that the bill be engrossed for the third reading.

The 16th rule was suspended with reference to said bill, which was then read the third time, passed, and title agreed to. Ordered, that the Council be informed.

Bills No. 27, entitled "A bill to locate and establish a territorial road from Mount Pleasant to the county seat of Green county:"

No. 49, entitled "A bill to locate and establish a territorial road from Janesville to Mineral Point:"

No. 50, entitled "A bill to locate and establish a territorial road from Mineral Point to Savannah on the Wisconsin river;" and

No. 53, "A bill to locate and establish a territorial road from Madison, in Dane county, to the state line of Illinois in Walworth county:"

Were severally read the first time, and referred to the select committee, to which bills on the same subject were previously referred.

Bill No. 99, entitled "A bill to establish a university at the city of the Four Lakes in the vicinity of Madison," was taken up; and,

On motion of Mr. Cox,

The house resolved itself into a committee of the whole on said bill, Mr. Sheldon in the chair.

After some time the committee rose, and by their chairman reported said bill with amendments.

The amendments of the committee were agreed to.

Ordered, that the bill be engrossed for a third reading.

The secretary of the Council being introduced, delivered the following message:

"Mr. Speaker,—The Council have adopted a memorial to Congress, for the extension of the rights of citizenship to the Stockbridge Indians, residing on the east shore of Lake Winnebago, in this territory:

"In which memorial I am requested to ask the concurrence of this house.

"The governor has notified the Council, that he did, on the second instant, examine, and approve the following acts and memorial, viz:

"An act to establish the several towns in the counties of Milwaukee, Brown, and Racine, and the counties attached for judicial purposes."

"A memorial to Congress for an appropriation of \$20,000 to complete the public buildings at the seat of government;" and, on the third instant,

"An act to provide for laying out and opening territorial roads."

"An act concerning town and county officers in the several counties of Brown, Milwaukee, and Racine, and the counties attached to them for judicial purposes;" and

"An act for the relief of the poor."

The Council have passed bills of the following titles:

No. 39, "A bill providing for, and regulating general elections in this territory."

No. 57, "A bill to locate and establish the seat of justice of Jefferson county in this territory."

No. 59, "A bill to amend an act entitled 'An act to incorporate the Fox River Hydraulic Company.'"

No. 61, "A bill to change the corporate powers of the village of Milwaukee;"

In which bills I am directed to ask the concurrence of this house:

And then he withdrew.

The house adjourned.

Friday, January 5, 1838.

Mr. Parkinson gave notice that, on to-morrow, he should move to suspend the standing rule of this house, which requires bills to be printed after the first reading.

Mr. Shanley, from the select committee, to which bill No. 56 was referred,

Entitled "A bill to provide for electing county surveyors, and for other purposes," reported the bill back again to the house with amendments.

Which bill was read the second time.

Mr. Parkinson, from the select committee, to which were referred bills Nos. 90, 80, 89, 107, and 111, for the incorporation of seminaries, reported the same in one bill.

No. 116, entitled "A bill to incorporate the several seminaries herein named."

The said bill was read the second time.

The secretary of the Council being introduced, delivered the following message:

"Mr. Speaker,—The Council have concurred in the amendment made by this house on the 21st November last, to a memorial for the improvement of the Des Moines and Rock river Rapids of the Mississippi, viz: to strike out 'seven,' before 'millions of acres,' and insert 'thirty;' strike out 'fifty,' before 'thousand dollars,' and insert 'one hundred.'"

"The Council have also concurred in the correction made by this house, to 'An act to incorporate the Milwaukee and Rock river Canal Company,' which had been returned by the Governor, in consequence of the omission of a word by the enrolling clerk, and have directed me to return the bill for your signature:"

And then he withdrew.

The said act was then presented to, and signed by the speaker, and ordered to be sent to the president of the Council for his signature.

Mr. Box, from the select committee, consisting of the entire delegation of Des Moines, to which bill No. 112 was referred, entitled "A bill to establish the boundaries of the counties of Lee, Van Buren, Des Moines, Henry, Louisa, Wayne, and Slaughter, and for other purposes,"

Reported the said bill back again to the house with an amendment.

The bill was then read the second time, and,

On motion of Mr. Box,

The house resolved itself into a committee of the whole on said bill; Mr. Sholes in the chair.

After some time, the committee rose, and by their chairman reported the bill with amendments.

The amendments were agreed to.

Mr. Teas moved the following amendment to the bill, viz:

“That the seats of justice of the counties of Lee, Muscatine, and Louisa, be located by the vote of the people.”

The yeas and nays being called for, were as follow:

Yeas:—Messrs. Blair, Box, Boyls, Brunson, Brunet, Chance, Cox, M'Knight, Parkinson, Reynolds, Shanley, Teas, and Leffler, speaker—13.

Nays:—Messrs. Childs, Cornwall, Engle, Jenkins, M'Williams, Nowlin, Quigley, Sheldon, Smith, Sholes, and Wheeler—11.

Mr. Teas moved a reconsideration of the last vote, and the yeas and nays being called for, were as follow:

Yeas:—Messrs. Blair, Boyls, Brunson, Brunet, Childs, Cornwall, Chance, Engle, Jenkins, M'Williams, Nowlin, Quigley, Sheldon, Smith, Shanley, Sholes, Teas, Wheeler, and Leffler, speaker—19.

Nays:—Messrs. Box, Cox, M'Knight, Parkinson, and Reynolds—5.

So the vote on the motion to leave the establishment of the county seats of the counties of Lee, Muscatine, and Louisa to a vote of the people was reconsidered.

Mr. Teas then withdrew the said motion, and moved the following amendment: strike out, in the 1st, 3d, 5th, and 6th sections, all the words after the word “beginning,” in the said several sections, and insert the following as an additional section to the bill, viz:

Sec. 9. The seats of justice of the counties of Lee, Louisa, Muscatine, and Des Moines shall be established by a direct vote of the people in each county, according to the provisions of the second section of this act; and until such location is made in each county respectively, the district court shall be held as follows: in Lee county, at Fort Madison; in Des Moines

county, at Burlington; in Louisa county, at Lower Wapello; and in Muscatine, at Bloomington.

Mr. Nowlin moved that the question be severed, and to be first taken on striking out, in the said several sections, all the words after "beginning."

Mr. Parkinson moved that the question on striking out be taken separately on each of the said sections.

Mr. Engle called for the previous question, and the yeas and nays being called for, were as follow:

Yeas:—Messrs. Blair, Childs, Cornwall, Chance, Engle, Jenkins, M^cWilliams, Nowlin, Quigley, Sheldon, Smith, Sholes, Wheeler, and Leffler, speaker—14.

Nays:—Messrs. Box, Boyls, Brunson, Brunet, Cox, M^cKnight, Parkinson, Reynolds, Shanley, and Teas—10.

The main question was then put on engrossing the bill for the third reading, and decided in the affirmative.

On motion of Mr. M^cWilliams,

The sixteenth rule was suspended in reference to said bill, and it was then read the third time, passed, the title thereof amended to read "A bill to establish the boundaries of the counties of Lee, Van Buren, Des Moines, Henry, Louisa, Muscatine, and Slaughter, and for other purposes," and ordered to be sent to the Council for concurrence.

The house adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

A message was received from the executive, informing the house that he had, on this day, examined and approved an act entitled "An act to incorporate the Milwaukee and Rock River Canal Company."

The speaker laid before the house the report of the treasurer of the territory, which is as follows:

"To the honourable the Council and House of Representatives of the Territory of Wisconsin.

"In obedience to the requisition of the statute of Michigan, I herewith beg leave respectfully to report,

"That I have not received any moneys, as territorial treasurer, since my appointment to that office.

"Very respectfully,

"Your ob't serv't,

"JESSE WEBBER,

"Burlington, W. T. }

"Treasurer of the territory

"Jan. 5, 1838. }

"of Wisconsin."

Ordered, that said report be referred to the committee on finance.

Mr. Brunson, from the committee on engrossed bills, reported

Bill No. 99, entitled "A bill to establish a University at the city of the Four Lakes, in the vicinity of Madison," as correctly engrossed.

Said bill was then read the third time, passed, title agreed to, and ordered to be sent to the Council for concurrence.

Bill No. 18, Council file, entitled "A bill for opening and repairing, or vacating public roads and highways," was then taken up; and,

On motion of Mr. Chance,

The house resolved itself into the committee of the whole on said bill; Mr. Quigley in the chair.

After some time, the committee rose, and by their chairman reported said bill with amendments.

The amendments of the committee were agreed to.

Ordered that the bill be engrossed for the third reading.

The 16th rule was then suspended with reference to said bill, which was read the third time, passed, and the title thereof agreed to.

Ordered, that the Council be informed.

The following message was received from the Council by their secretary:

"Mr. Speaker,—The Council have passed a preamble and resolution, authorizing the secretary of the territory to employ some suitable person or persons, to print and publish the laws passed at the present session of the legislative assembly, in ac-

cordance with the provisions of the organic act, in which I am directed to ask the concurrence of this house.

“The Council has negatived bill No. 24 of this house, entitled ‘A bill concerning promissory notes, due bills, bills of exchange, &c., and to regulate the interest on money.’

“The Council have concurred in bills from this house of the following titles:

“No. 18, ‘A bill to abolish imprisonment for debt, and for other purposes.’

“No. 29, ‘A bill to locate a territorial road from Fort Howard to Fort Winnebago, on the west side of Fox river, and for other purposes.’

“No. 57, ‘A bill to divorce Mary Williams from her husband, Thomas Williams.’

“No. 84, ‘A bill to incorporate the Dubuque Seminary.’

“No. 85, ‘A bill to incorporate the Green county Seminary,’ without amendments; and bill

“No. 4, ‘A bill relating to the militia and public defence of the territory of Wisconsin,’ with amendments;

“In which amendments the concurrence of this house is requested.

“The Council have also passed bills of the following titles, viz:

“No. 37, ‘A bill to authorize John Dowling and James Sproule to erect toll bridges across the Pecatonica river.’

“No. 44, ‘A bill for the benefit of the towns of Bellview and Peru, in the original county of Dubuque;’

“In which bills I am directed to ask the concurrence of this house.

“The Council have concurred in the amendments made to bills of the Council, viz:

“No. 24, ‘A bill to make valid the location of a territorial road from Racine to Janesville;’ and

“No. 23, ‘A bill to authorize the receipt and disposition of real estate in the several counties in this territory;’

And then he withdrew.

Mr. Shanley moved to adjourn till half past 6 o'clock, P. M. which was disagreed to.

The order of the house, instructing the select committee to which the bill on weights and measures was referred to report to-day, was rescinded.

Mr. Shanley moved that the committee be instructed to report on Wednesday next;

Which motion was disagreed to,

And then the house adjourned.

Saturday, January 6, 1838.

On motion of Mr. Parkinson,

Resolved, That the standing rule of this house, which requires all bills to be printed on being read the first time, be rescinded, and that hereafter no bill shall be printed unless it shall be specially ordered by the house.

Mr. Jenkins, by leave, introduced bill No. 117, entitled "A bill to prevent fraudulent and malicious mischief;"

Which was read the first time.

Mr. Quigley moved that the bill be rejected.

The motion was lost.

A motion was then made that the said bill be printed; which was determined in the negative.

Mr. Jenkins, by leave, introduced bill No. 118, entitled "A bill declaring certain words actionable;" which was read the first time, and,

On motion of Mr. Chance,

Was indefinitely postponed.

Mr. M^cWilliams, from the committee on enrolments, reported the following acts to be correctly enrolled, viz:

"An act to locate and establish a territorial road from Bloomington to the Forty Mile Point, on Cedar river,"

"An act to locate and establish a territorial road from Dubuque to A. Bankston's."

The said acts were then presented to, signed by the speaker, and ordered to be transmitted to the president of the Council for his signature.

Bill No. 4, entitled "A bill relating to the militia and public defence of the territory of Wisconsin," returned from the Council with amendments, was taken up, and the amendments were agreed to.

Ordered that the clerk acquaint the Council therewith.

A preamble and resolution sent from the Council authorizing the secretary of the territory to employ some suitable person or persons to publish the laws passed at the present session of the legislature, and requiring him to report the expense incurred to the next session, was taken up, read the first and second times, and,

On motion of Mr. Parkinson, was laid on the table.

The following memorial, sent from the Council for concurrence, was then taken up, entitled,

"A memorial to congress for the extension of the right of citizenship to the Stockbridge Indians, residing on the west shore of Lake Winnebago, in this territory."

The said memorial was concurred in with amendments.

Ordered that the Council be informed.

Mr. Chance, from the select committee to which bills Nos. 68, 72, 74, 94, 101, 115, and several petitions for ferries, were referred, reported bill No. 119, entitled "A bill to establish the several ferries herein named;"

Which was laid on the table.

Bill No. 39, Council file, entitled "A bill providing for and regulating general elections in this territory," was read the first and second times, and,

On motion of Mr. Teas, was referred to a select committee, viz:

Messrs. Teas, Cox, and Parkinson.

Bill No. 56, entitled "A bill to provide for the election of county surveyors, and to define their powers," was taken up, and,

On motion of Mr. Parkinson,

The house resolved itself into a committee of the whole on said bill; Mr. Cox in the chair.

After some time the committee rose, and by their chairman reported the bill with amendments.

The amendments were agreed to, and the bill was ordered to be engrossed for a third reading.

Bill No. 81, entitled "A bill to regulate and define the duties of county officers," was read the second time.

On motion of Mr. Parkinson,

The house went into a committee of the whole on said bill; Mr. Cornwall in the chair. After some time the committee rose, and by their chairman reported the bill to the house with amendments.

The amendments were agreed to, and the bill was ordered to be engrossed for a third reading.

On motion of Mr. Parkinson,

The house adjourned.

Monday, January 8, 1838.

Mr. Engle, from the judiciary committee, to which bills Nos. 15, 41, and 46, Council file, were referred, reported the two former with amendments, and the latter without amendment.

Bill No. 46, Council file, entitled "A bill to authorize the county commissioners to levy a tax for county purposes," was then read, and,

On motion of Mr. Engle, was indefinitely postponed.

Ordered, that the clerk acquaint the Council therewith.

The house then proceeded to take up the order of the day.

being the report and resolutions of the committee respecting the charges preferred against Alexander M'Gregor.

On motion of Mr. Engle,

The said report and resolutions were postponed until Wednesday next.

Bill No. 79, entitled "A bill for the benefit of mechanics," was referred to the following select committee, viz:

Messrs. Shanley, Childs, and Cornwall.

Mr. Cox, by leave, introduced bill No. 120, entitled "A bill to provide for holding elections in the several counties of the territory of Wisconsin."

On motion of Mr. Engle,

The house resolved itself into committee of the whole on bill No. 41, Council file, entitled "A bill concerning grand and petit jurors," Mr. Cox in the chair.

After some time, the committee rose, and by their chairman reported said bill with amendments.

The amendments were agreed to, and the bill was ordered to be engrossed for the third reading.

On motion of Mr. Quigley,

The 16th rule was suspended in reference to said bill, which was then read the third time, passed, and the title agreed to.

Ordered that the clerk acquaint the Council therewith.

The following message was received from the Council by their secretary:

"Mr. Speaker,—The Council have concurred in all the amendments made by this house to the memorial to Congress for the extension of the rights of citizenship to the Stockbridge Indians, residing on the east shore of Lake Winnebago, in this territory.

"The Council have also concurred in the 1st, 2d, 3d, 4th, 6th, 7th, 8th, and 10th amendments to bill No. 18 of the Council, entitled 'A bill for opening and repairing, or vacating public roads and highways,' and have disagreed to the 5th and 9th amendments, viz: sect. 35, in the 3d line, strike out the word 'two,' after the word 'highways,' and insert the word 'five;' sect. 56, strike out 'one,' in the first line, and insert 'two;' in the 4th line, strike out 'two,' and insert 'five;' in

the fifth line, strike out 'privileges,' and insert 'liabilities;' and in the last line, strike out 'one,' and insert 'two.'

"The Council have adopted,

" 'A memorial to Congress for the relief of Major Jeremiah Smith,' and

" 'A memorial to Congress for an appropriation for a road from Racine to the Mississippi river;'

"In which I am directed to ask the concurrence of this house."

And then he withdrew.

Mr. Brunson reported bills Nos. 81 and 56 to be correctly engrossed.

Bill No. 81, entitled "A bill to regulate and define the duties of the county officers in this territory," was read the third time.

Mr. Sholes asked the unanimous consent of the house to amend the 4th section, by inserting after the word "territory," the following:

"With the exception of the county of Brown;" which was refused.

On the question of the passage of the bill, the yeas and nays were called for, and were as follow:

Yeas:—Messrs. Blair, Box, Boyls, Brunson, Brunet, Childs, Cornwall, Chance, Cox, Jenkins, McKnight, Nowlin, Parkinson, Quigley, Reynolds, Sheldon, Shanley, Wheeler, and Leffler, speaker—19.

Nays:—Messrs. Engle, McWilliams, Smith, and Sholes—4.

So the bill passed. The title thereof was amended to read,

"A bill to require certain officers to reside or hold their offices at the seats of justice of their respective counties."

Ordered, that the clerk request the Council to concur in the said bill.

Bill No. 56, entitled "A bill to provide for electing county surveyors, and for other purposes," was then read the third time, passed, and the title agreed to.

Ordered, that the clerk request the Council to concur in the said bill.

Mr. Quigley, chairman of the select committee to which a

resolution relative to the public buildings at Madison was referred, asked leave to report a bill from three members of said committee.

A majority of the committee not having concurred in said report, leave was not granted.

On motion of Mr. Parkinson, three members were added to said committee, viz:

Messrs. Sholes, Parkinson, and Boyls.

Mr. Nowlin moved to add four additional members, from the west side of the river.

Which motion was disagreed to,

On motion of Mr. Nowlin,

The vote on the motion made by Mr. Parkinson, by which three members were added to the committee, was reconsidered.

The motion of Mr. Parkinson was then withdrawn.

On motion of Mr. Cox, one of the said committee, who had not concurred in the report of the chairman,

The bill No. 132, entitled "A bill to amend an act to establish the seat of government of the territory of Wisconsin, and to provide for the erection of public buildings," was received, and laid on the table.

Mr. Parkinson gave notice that he should, on to-morrow, by leave, introduce a bill for the benefit of the Iowa Lodge of Independent Order of Odd Fellows.

The house adjourned till half past two o'clock, P. M.

HALF PAST 2 O'CLOCK, P. M.

A message was received from his excellency, the governor, informing the house, that he had examined and approved the following acts, viz:

"An act to locate and establish a territorial road from Dubuque to Andrew Bankston's," and

"An act to establish a territorial road from Bloomington in Muscatine county to the Forty Mile Point on Cedar river."

Bill No. 15, Council file, entitled "A bill for assessing and collecting county revenue," was then taken up, and

On motion of Mr. Sholes,

The house resolved itself into committee of the whole on said bill, Mr. Engle in the chair. After some time the committee rose, and by their chairman reported the progress made therein, and asked leave to sit again. Leave was granted.

Mr. M^cWilliams, from the committee on enrolments, reported the following acts and memorials to be correctly enrolled:

"An act to authorize the several counties in this territory to hold and convey real estate, to sue and be sued, and for other purposes."

"An act to make valid the location of a territorial road from Racine to Janesville."

"An act to incorporate the Dubuque Seminary."

"An act to divorce Mary Williams from her husband Thomas Williams."

"Memorial for the improvement of the Des Moines and Rock river rapids in the Mississippi river."—"A memorial to Congress for the extension of the right of citizenship to the Stockbridge Indians on the east shore of Lake Winnebago in this territory."

Said acts and memorials were then presented to, signed by the speaker, and

Ordered to be sent to the president of the Council for his signature.

Mr. Chance offered the following resolution:

Resolved, That no new business be received by this house after Wednesday next.

Mr. Nowlin moved to amend by striking out "Wednesday," and inserting "Saturday;" which was agreed to.

On motion,

The resolution as amended was laid on the table.

The house adjourned.

Thursday, January 9, 1838.

The following message was received from the executive ;

“ Territory of Wisconsin, Executive Department, }
“ Burlington, January 8, 1838. ” }

“ To the honourable, the speaker of the House of Representatives ;

“ Sir,—I have this day examined and approved, ‘ An act to divorce Mary Williams from her husband Thomas Williams ;’ and herewith return it to the House of Representatives, where it originated.

“ I have also returned, without my signature, ‘ An act to incorporate the Dubuque Seminary,’ with my objection to the phraseology of the proviso attached to the fourth section of the bill, viz: ‘ Provided they shall not contravene the constitution of the United States or of this territory.’ The insertion of the words, ‘ the laws,’ between the words ‘ or ’ and ‘ of,’ in this paragraph, seem to be necessary in order to render the sentence complete. To the provisions of the bill I have no objection.

“ HENRY DODGE.”

Ordered, that said message do lie on the table.

The following preamble and resolution from the Council were then considered.

“ Whereas, by the eleventh section of the act to establish the territorial government of Wisconsin, a sufficient sum is to be annually appropriated, to be expended by the secretary of the territory, to defray the expense of printing the laws, and for other purposes ; therefore, be it

“ Resolved, By the Council and House of Representatives of the territory of Wisconsin, That the secretary of the territory be and he is hereby authorized to employ some suitable person or persons to print and publish the laws passed at the present session of the legislative assembly, in accordance with the above provision of the organic act ; who shall, at an early day of the next session of the legislative assembly, make a report thereto of the cost of such printing.”

Mr. Engle offered the following amendment:

Strike out the preamble and all after the word "resolved," and insert

"By the Council and House of Representatives of Wisconsin territory, That James Clarke & Co., be employed to print the laws which may be passed at the present session, and that they be allowed the usual prices given to printers of Congress for similar work."

Mr. Nowlin moved the following amendment to the amendment:

Strike out "Jas. Clarke & Co." and insert "Messrs. Corriell, King, and Russell, editors of the Iowa News."

Mr. Sheldon called for the previous question.

The yeas and nays being called for, were as follow:

Yeas:—Messrs. Box, Cox, Engle, Jenkins, Quigley, Sheldon, Smith, Sholes, Teas, Wheeler, and Leffler, speaker—11.

Nays:—Messrs. Blair, Boyls, Brunson, Brunet, Childs, Chance, M'Knight, M'Williams, Nowlin, Parkinson, Reynolds, and Shanley—12.

So the house refused to put the main question.

The question was then taken on the amendment to the amendment offered by Mr. Nowlin, and it was lost.

Mr. Childs offered the following, as a substitute to the amendment offered by Mr. Engle:

Insert after the word "resolved," "that the Council and House of Representatives, (the Council concurring) meet in the Representatives' Hall on Saturday next, at 3 o'clock, P. M., and proceed to elect a printer to print the laws passed at the present session."

The yeas and nays being called for on the adoption of the amendment offered by Mr. Childs, were as follow:

Yeas:—Messrs. Box, Boyls, Brunson, Childs, Cornwall, Cox, Jenkins, M'Knight, Nowlin, Parkinson, Reynolds, Smith, Shanley, Teas, and Leffler, speaker—16.

Nays:—Messrs. Blair, Chance, Engle, M'Williams, Quigley, Sheldon, Sholes, and Wheeler—8.

So the amendment offered by Mr. Childs was substituted for the amendment offered by Mr. Engle.

The question then recurred on the amendment of Mr. Childs as a substitute to the preamble and resolution of the Council, and on this question the yeas and nays being called for, were as follow :

Yeas:—Messrs. Boyls, Brunson, Brunet, Childs, Cornwall, Jenkins, M'Knight, Parkinson, Reynolds, Shanley, Sholes, and Teas—12.

Nays:—Messrs. Blair, Box, Chance, Cox, Engle, M'Williams, Nowlin, Quigley, Sheldon, Smith, Wheeler, and Leffler, speaker—12.

So the house refused to adopt the amendment as a substitute to the original resolution from the Council.

Mr. Cox offered the following amendment to the resolution of the Council :

“Strike out all after the word ‘Wisconsin,’ and insert

“‘That the Council and House of Representatives meet in the Representatives’ Hall on Saturday next, at three o’clock, P. M., and proceed to elect a printer by joint ballot to print the laws passed at the present session.’”

And on this question the yeas and nays being called for, were as follow :

Yeas:—Messrs. Box, Boyls, Brunson, Brunet, Childs, Cornwall, Cox, Jenkins, M'Knight, Parkinson, Reynolds, Smith, Shanley, Sholes, and Teas—15.

Nays:—Messrs. M'Williams, Nowlin, Quigley, Sheldon, Wheeler, and Leffler, speaker—9.

So the amendment to the resolution was agreed to.

The original resolution of the Council as amended, was then concurred in.

Ordered that the Council be informed.

Mr. M'Williams, from the committee on enrolments, reported

“An act to incorporate the Wisconsin Insurance Company at Green Bay;” and

“An act relating to the militia and public defence of the territory of Wisconsin;” to be correctly enrolled.

Said acts were then presented to, signed by the speaker, and

ordered to be sent to the president of the Council for his signature.

Mr. Teas, from the committee on roads and highways, reported bill No. 121, entitled, "A bill to authorize the commissioners of Des Moines county to levy a tax to build bridges;"

Which was laid on the table.

Mr. Sheldon, from the committee of conference to which were referred bills No. 5, 30, and 32, Council file, entitled

"A bill regulating and defining the extent of the right of possession on lands belonging to the government of the United States, and for other purposes." "A bill to divorce Abraham Jones and Lucinda Jones from the bonds of matrimony, and for other purposes," and "A bill to divorce Martha Newton from her husband John C. Newton, together with the substitutes therefor, which had passed the House of Representatives, and which had been sent back from the Council with the original bills, asking the action of the house upon the original bills sent them, made the following report:

"The committee cannot *agree* upon recommending any course to the two houses, with regard to the proper course of the action to be had upon the bills above named.

"The bills thus lost on a mere difference of opinion about form, can again be introduced as original bills in either house, and this, after a full and free discussion and consultation, is the only course which the committee can *agree* upon recommending. They ask, therefore, the adoption of the following resolution:

"Resolved, That the said committee of conference be discharged from the further consideration of the subject; which was agreed to."

Mr. Teas, from the select committee to which was referred bill No. 39, Council file, entitled "A bill providing for, and regulating general elections in this territory;" reported said bill with amendments.

Mr. Childs, from the committee on finance, reported

Bill No. 122, entitled "A bill to provide for a territorial revenue."

Mr. Smith, from the select committee to which was recom-

mitted bill No. 109, entitled "A bill to divorce Louisa Ann Sibley from her husband William T. Sibley," reported said bill without amendment.

The rule requiring all bills to be considered in committee of the whole, was suspended with reference to said bill; and the bill was then amended by inserting after the word 'heretofore,' in the 3d line, the words 'and now.'

Ordered, that the said bill be engrossed for the third reading.

The 16th rule was then suspended with reference to said bill, which was read the third time, passed, and title agreed to.

Ordered, that the clerk request the Council to concur in the said bill.

Mr. Engle, by leave, introduced bill 128, entitled.

"A bill to divorce Martha Newton from her husband John C. Newton," and bill No. 124, entitled "A bill to divorce Abraham Jones and Lucinda Jones from the bonds of matrimony, and for other purposes," which were severally read the first and second times. The rule requiring all bills to be considered in the committee of the whole was suspended with reference to said bills; which were then ordered to be engrossed for the third reading.

The 16th rule was then suspended, and said bills were read the third time, passed, and the titles thereof agreed to.

Ordered, that the clerk request the concurrence of the Council in the said bills.

Mr. Box introduced bill No. 125, entitled

"A bill for an act to incorporate the town of Fort Madison;" which was read the first time, and laid on the table.

Mr. Parkinson introduced bill No. 126, entitled

"A bill for the benefit of the Iowa Lodge, No. One, of the Independent Order of Odd Fellows;" which was read the first time, and laid on the table.

Bill No. 11, Council file, was taken up, and, on motion of Mr. Quigley, the amendment made by the Council to the amendment of the house, viz:

Strike out the name of "John S. David," and insert in lieu thereof the name of "Hiram C. Bennet," was agreed to.

On motion of Mr. Sheldon,

The amendment made by the house in the 6th line of the 22d section, and to which the Council disagreed, was insisted on.

Ordered, that the clerk acquaint the Council thereof.

Bill No. 59, Council file, entitled "A bill to amend an act entitled 'An act to incorporate the Fox river Hydraulic Company,'" was then read the first and second times.

The rule requiring all bills to be considered in committee of the whole, was suspended with reference to said bill; which was then ordered to be engrossed for the third reading.

The 16th rule was then suspended, and said bill was read the third time, passed, and the title agreed to.

Ordered, that the Council be informed.

Bill No. 36, Council file, entitled "A bill to incorporate the Rock river Rail Road Company," was then taken up.

On motion of Mr. Sheldon,

The house resolved itself into a committee of the whole on said bill; Mr. Sholes in the chair.

After some time the committee rose, and by their chairman reported said bill with an amendment.

The amendment made in committee was agreed to, and

The bill was ordered to be engrossed for the third reading.

The 16th rule was then suspended, and said bill was read the third time, and passed.

Ordered, that the Council be informed.

Bill No. 44, Council file, entitled "A bill for the benefit of the towns of Bellevue and Peru, in the original county of Dubuque," was then read the first and second times.

On motion of Mr. Quigley,

The house resolved itself into a committee of the whole on said bill; Mr. Nowlin in the chair.

After some time the committee rose, and by their chairman reported said bill without amendment.

The 16th rule was then suspended with reference to said bill, which was read the third time, passed, and the title thereof agreed to.

Ordered, that the Council be informed.

Bill No. 20, Council file, entitled, "A bill to amend and alter

an act entitled 'An act to incorporate the La Fontaine Rail Road Company,' was read the first and second times.

On motion of Mr. Sholes,

The house resolved itself into a committee of the whole on said bill; Mr. Sheldon in the chair.

After some time the committee rose, and by their chairman reported said bill with amendments.

The amendments made in committee were agreed to, and

The bill was ordered to be engrossed and read the third time.

The 16th rule was suspended with reference to said bill, which was then read the third time, passed, and the title thereof agreed to.

Ordered, that the Council be informed.

The house adjourned till half past 2 o'clock, P. M.

HALF PAST 2 O'CLOCK, P. M.

Bill No. 48, Council file, entitled "A bill to incorporate the Racine Seminary," was read the first and second times.

On motion of Mr. Sheldon,

The house resolved itself into a committee of the whole on said bill; Mr. Jenkins in the chair.

After some time the committee rose, and by their chairman reported said bill without amendment.

The bill was amended by inserting after the word "constitution," in the 9th line of the 4th section, the words "or laws."

The bill was then ordered to be engrossed for the third reading.

The 16th rule was then suspended with reference to said bill, which was read the third time, passed, and the title thereof agreed to.

Ordered, that the Council be informed.

On motion of Mr. Sholes,

The undermentioned bills, from the Council, were severally read the first and second times, viz:

No. 57, "A bill to locate and establish the seat of justice of Jefferson county, in this territory."

No. 45, "A bill to establish and regulate ferries in the county of Milwaukee and the counties thereto attached for judicial purposes."

No. 61, "A bill to change the corporate powers of the village of Milwaukee."

No. 37, "A bill to authorize John Dowling and James Sproule to erect toll bridges across the Pecatonica river."

The house then resolved itself into a committee of the whole, for the consideration of the said several bills; Mr. Sholes in the chair.

After some time the committee rose and reported bills numbered 37, 45, and 57, without amendments, and bill No. 61 with amendments.

The amendments made to bill No. 61 were agreed to.

Mr. Parkinson offered the following amendment to bill No. 37, viz:

In the 1st section, 4th line, strike out "east," and insert "the west."

The yeas and nays being called for, were as follow:

Yeas:—Messrs. Box, Boyls, Brunson, Brunet, Childs, Cornwall, Chance, Cox, Jenkins, M^cKnight, M^cWilliams, Parkinson, Reynolds, Sheldon, Smith, Shanley, Sholes, Teas, Wheeler, and Leffler, speaker—20.

Nays:—Messrs. Nowlin, and Quigley—2.

So the amendment was agreed to.

The bill was further amended by striking out in the 5th line, first section, the words "one bridge." Strike out in the same section all after the word "furnace," in the 6th line, to the word "provided," in the 9th line. In the 12th line, strike out "streams," and insert "stream."

The said bill was then ordered to be engrossed for the third reading.

The 16th rule was then suspended in reference to said bill, the bill read the third time, passed, title amended to read,

"A bill to authorize John Dowling and James Sproule to erect a toll bridge across the west fork of the Pecatonica river."

Ordered, that the Council be informed.

Bills numbered 61, 45, and 57, were then severally ordered to be engrossed for a third reading.

The 16th rule being suspended in reference thereto, they were severally read the third time, passed, titles thereof agreed to, except bill No. 47, which was amended to read,

“A bill to locate and establish the seat of justice of Jefferson county.”

Ordered, that the Council be informed.

The following communication was received from the Council by their secretary:

“Mr. Speaker,—The Council have passed bills of the following titles, viz:

“No. 42, ‘A bill to incorporate the Marquette and Kentucky City Canal Company.’

“No. 55, ‘A bill to regulate fines.’

“In which bills I am directed to ask the concurrence of this house.

“The Council have concurred in bills of this house of the following titles, viz: No. 55, ‘A bill defining the boundaries of Portage county, and for other purposes.’ No. 65, ‘A bill concerning debtors and their securities.’

“No. 66, ‘A bill to provide for the collection of demands against boats and vessels.’

“No. 98, ‘A bill to authorize the building a dam across the Manitoowoc river.’

“The Council have likewise concurred in bills of this house, with amendments thereto, of the following titles, viz:

“No. 1, ‘A bill to provide for the appointing of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings.’

“No. 12, ‘A bill to provide for the partition of the half breed lands, and for other purposes.’

“No. 23, ‘A bill to authorize the board of county commissioners of the several counties in this territory to borrow money for the purpose of erecting court houses and jails.’

“No. 42, ‘A bill to incorporate the town of Green Bay.’

“No. 63, ‘A bill relative to limited partnerships.’

"No. 77, 'A bill to organize the county of Walworth, and to establish the seat of justice thereof.'

"No. 82, 'A bill to incorporate the trustees of the Milwaukee Academy;'

"In which amendments I am directed to ask the concurrence of this house.

"The Council have also concurred in the several amendments to bill 41, entitled 'A bill concerning grand and petit jurors,' made by this house, except the following, viz:

"In the 13th, 14th, 16th, and 17th lines of the first section strike out the following, viz: 'Officers of colleges, (not including trustees or directors thereof,) and preceptors and teachers of incorporated academies or universities, and one teacher in each common school, practising physicians and surgeons, regularly licensed ferrymen, supervisors of public highways, attenders of grist mills, attenders of toll bridges and turnpike gates.' In the 6th line of the 4th section, strike out the words 'of America,' after the words 'United States.'

"The governor has notified the Council that he did approve on yesterday,

"An act to make valid the location of a territorial road from Racine to Janesville:'

"An act to authorize the several counties in this territory to hold and convey real estate, to sue and be sued, and for other purposes:'

"Memorial for the improvement of the Des Moines and Rock river rapids in the Mississippi river;'

"A memorial to Congress for the extension of the right of citizenship to the Stockbridge Indians, residing on the east shore of Lake Winnebago in this territory;'

And then he withdrew.

Bill No. 114, entitled "A bill to be entitled 'An act to incorporate the city of Burlington,'" was then taken up.

The house resolved itself into a committee of the whole on said bill, Mr. Teas in the chair.

After some time the committee rose, and reported said bill with amendments.

The amendments made in committee were agreed to.

The bill was ordered to be engrossed for the third reading.

The 16th rule was suspended with reference to said bill, which was then read the third time, passed, and title amended to read "A bill to incorporate the city of Burlington."

Ordered to be sent to the Council for concurrence.

The house adjourned to meet at half past 6 o'clock, P. M.

HALF PAST 6, O'CLOCK, P. M.

Bill No. 70, entitled "A bill for the relief of Wm. Sawtell."

Bill No. 110, entitled "A bill to establish the Philandrian College of the town of Denmark," and

Bill No. 116, entitled "A bill to incorporate the several seminaries herein named," were taken up, and,

On motion of Mr. Sheldon,

The house resolved itself into a committee of the whole on said bills, Mr. Cox in the chair.

After some time the committee rose, and by their chairman reported bills No. 70 and 110 without amendment, and bill No. 116 with amendments.

The amendments made in committee were agreed to.

The 16th rule was then suspended with reference to bills Nos. 110 and 116.

Which were severally read the third time, passed, and the titles thereof agreed to.

Ordered to be sent to the Council for concurrence.

On the question of engrossing Bill No. 70, for the 3d reading the yeas and nays were called for, and were as follow:

Yeas:—Messrs. Boyls, Brunson, Jenkins, M'Knight, Teas, and Leffler, speaker—6.

Nays:—Messrs. Blair, Box, Brunet, Childs, Cornwall, Chance, Cox, Engle, M'Williams, Nowlin, Parkinson, Quigley, Reynolds, Sheldon, Shanley, Sholes, and Wheeler—17.

So the house refused to order said bill to be engrossed for the third reading.

On motion,

Ordered, that bill No. 53, entitled "A bill to establish a col-

lege at Mount Pleasant in Henry county," be indefinitely postponed.

Bill No. 43, entitled "A bill to incorporate the North-west Mining Company."

Bill No. 51, entitled "A bill to incorporate the Davenport Manual Labour College," and

Bill No. 54, entitled "A bill to authorize the board of commissioners of the county of Jackson to build a bridge, and levy a tax to pay for the same," were then severally read the second time.

On motion of Mr. Nowlin,

The house resolved itself into the committee of the whole on said bills; Mr. M'Williams in the chair.

After some time the committee rose, and by their chairman reported bill No. 51, with an amendment, and bills Nos. 43 and 54, without amendment.

The amendment made to bill No. 51 in committee, was agreed to.

Bills Nos. 51 and 54 were then ordered to be engrossed for a third reading.

The 16th rule was then suspended with reference to said bills, which were severally read the third time, passed, and the titles thereof agreed to.

Ordered, that the clerk request the concurrence of the Council in the said bills.

On the question of engrossing bill No. 43 for the third reading,

The yeas and nays were called for, and were as follow:

Yeas:—Messrs. Blair, Boyls, Brunson, Cornwall, Chance, Cox, Engle, Jenkins, M'Knight, M'Williams, Nowlin, Parkinson, Reynolds, Sheldon, Shanley, Sholes, and Leffler, speaker—17.

Nays:—Messrs. Box, Quigley, Teas, and Wheeler—4.

So the bill was ordered to be engrossed and read the third time.

The 16th rule was then suspended in reference to said bill, which was read the third time, passed, and the title thereof agreed to.

Ordered, that the clerk request the concurrence of the Council in the said bill.

Mr. Chance moved to adjourn.

The motion was disagreed to.

Bill Nos. 125, entitled "A bill to incorporate the town of Fort Madison, in Lee county," and

No. 126, entitled "A bill for the benefit of the Iowa Lodge, No. 1, of the Independent Order of Odd Fellows," were then severally read the second time.

On motion of Mr. Teas,

The house resolved itself into a committee of the whole on said bills; Mr. Engle in the chair.

After some time the committee rose, and by their chairman reported bill No. 125, with an amendment, and bill No. 126, without amendment.

The amendment made to bill No. 125, in committee, was agreed to.

Mr. Teas offered the following amendment to the first sect. of bill No. 126; add the following words:

"Said Odd Fellows shall transact their business with open doors."

The previous question was called for, and the yeas and nays being taken, were as follow:

Yeas:—Messrs. Boyls, Brunson, Brunet, Chance, Cox, Engle, M'Knight, M'Williams, Nowlin, Parkinson, Reynolds, Sheldon, Shanley, Wheeler, and Leffler, speaker—15.

Nays:—Messrs. Blair, Box, Cornwall, Quigley, Sholes, and Teas—6.

The main question was then put on engrossing bill, and reading the bill the third time, and the yeas and nays being called for, were as follow:

Yeas:—Messrs. Blair, Box, Boyls, Brunson, Brunet, Chance, Cox, Engle, Jenkins, M'Knight, M'Williams, Nowlin, Parkinson, Reynolds, Sheldon, Shanley, Wheeler, and Leffler, speaker—18.

Nays:—Messrs. Cornwall, Quigley, Sholes, and Teas—4.

So the bill was ordered to be engrossed for the third reading.

The 16th rule was then suspended with reference to said bill, which was read the third time.

On the question of the final passage of the bill, the yeas and nays being called for, were as follow:

Yeas:—Messrs. Boyls, Brūnson, Brunet, Chance, Cox, Engle, M^r Knight, M^r Williams, Nowlin, Parkinson, Reynolds, Sheldon, Shanley, and Wheeler—14.

Nays:—Messrs. Blair, Box, Cornwall, Jenkins, Quigley, Sholes, Teas, and Leffler, speaker—8.

So the bill passed, and the title thereof was agreed to.

Ordered, that the said bill be sent to the Council for concurrence.

Bill No. 125 was then ordered to be engrossed and read the third time.

The 16th rule was suspended with reference to said bill, which was then read the third time, passed, and the title thereof was agreed to.

Ordered, that the clerk request the Council to concur in the said bill.

On motion of Mr. Shanley,

Ordered, that the rule setting apart Tuesday in each week for private business be rescinded.

Mr. Teas presented the account of Ephraim Moor, which, on motion, was referred to the committee on expenses.

The house adjourned.

Wednesday, January 10, 1838.

Mr. Parkinson presented the petition of sundry citizens of Fort Madison, praying that the right to keep a ferry across the Mississippi, at that place, be granted to Aaron White; which was laid on the table.

Also, the petition of sundry citizens of the territory, praying for the location of a public road from Prairie du Chien towards Galena, Illinois.

Referred to the committee on roads and highways.

Mr. Chance presented the account of Louis Herr, for work done, &c.

Referred to the committee on expenses.

Mr. Chance moved to take up the resolution prohibiting the reception of any new business after Saturday next, and which had been laid on the table on Monday last.

The motion was lost.

Mr. Shanley, from the select committee to which was referred bill No. 79, entitled "A bill for the benefit of mechanics," reported said bill without amendment;

Which was then read the second time, and laid on the table.

Mr. M'Williams, from the committee on enrolments, reported "An act to incorporate Green county Seminary," as correctly enrolled.

Said act was then presented to, signed by the speaker, and ordered to be sent to the president of the Council for his signature.

Mr. Childs offered the following resolution:

Resolved, By the Council and House of Representatives of the territory of Wisconsin, That the secretary of this territory be authorized to provide proper seals for the use of the several judges of probate, and of the clerk of the boards of county commissioners of this territory. The resolution was read the first and second times, and

Ordered to be engrossed for a third reading.

The 16th rule was then suspended, and said resolution was read a third time, passed, and

Ordered to be sent to the Council for concurrence.

On motion of Mr. Cox,

Resolved, That the select committee, composed of the Duquette delegation, to which was referred the bill establishing two additional precincts in the county of Scott, and an additional point by the name of Winfield, to be voted for as a candidate for county seat, do report on to-morrow.

The following communication was received from the Council, by the secretary thereof:

"Mr. Speaker,—The Council have receded from their disagreeing vote to the amendment made by this house, to the 25th section of bill No. 11, Council file, entitled 'A bill to incorporate the stockholders of the banks of Racine and Iowa,' and have concurred with the house therein.

"The Council have also concurred in the amendments made by this house to the following bills of the Council, viz:

"No. 20, 'A bill to alter and amend an act to incorporate the La Fontaine Rail Road Company;' and

"No. 36, 'A bill to incorporate the Root River Rail Road Company;'"

And then he withdrew.

"An act to incorporate the Dubuque seminary," returned by the executive, without his signature, was taken up, and by the unanimous consent of the house, was amended by inserting the words "the laws," between the words "or" and "of," in the last line of the 4th section of said act.

Ordered, that the clerk request the concurrence of the Council in the said amendment.

The report of the select committee, in the matter of Alexander W. McGregor, having been made the order of the day, was taken up, and,

On motion of Mr. Engle, was postponed, and made the order of the day for Monday next.

The following message was received from the executive:

"Territory of Wisconsin, Executive }
"Department, Burlington, Jan. 9, 1838. }

"To the Hon. the Speaker of the House of Representatives:

"Sir,—I have this day examined and approved 'An act to incorporate the Wisconsin Insurance company, at Green Bay,' and return the same, herewith, to the House of Representatives.

"I have had under examination, 'An act relating to the militia and public defence of the territory of Wisconsin,' and return the same with my objections thereto. In the 5th sec-

tion of the 3d title, the certificate of a surgeon or surgeon's mate is made the evidence of an inability to bear arms, by the person claiming to be exempt by reason thereof; 'but,' reads the section, 'such evidence shall not be conclusive;' nor is there any explanation of this inconsistency to be found elsewhere in the bill. Again, in the 9th and 10th sections of title 4, there is another inconsistency, viz: In the 9th section, the number of men required to compose a company of artillery, riflemen, &c., at each annual inspection, is forty; and, in the succeeding section, thirty, only, is required. These are my principal objections to the bill: there are, however, minor ones, which I would direct your attention to, viz: in the 2d section of title 2, the word "clerk," is used in the stead of 'secretary;' in the 30th section of title 4, 'stand' is used for 'standard;' and in title 7, article 1, section 2, the word 'chapter' is used for 'act.' The various mis-spellings and clerical errors to be found throughout the bill, I do not deem it necessary to call your attention to.

"HENRY DODGE."

The message just received from the executive, so far as it relates to an act relating to the militia, &c.

On motion, was referred together with said act to the committee on the militia.

Memorials to Congress, sent from the Council, "for the relief of Major Jeremiah Smith," and "for an appropriation for a road from Racine to the Mississippi river," were severally concurred in.

Bill No. 15, Council file, entitled "A bill for assessing and collecting county revenue," was taken up.

On motion of Mr. Sholes, the house resolved itself into a committee of the whole on said bill; Mr. Engle in the chair. After some time, the committee rose, and by their chairman reported said bill with amendments.

The amendments made in committee were agreed to.

The bill was ordered to be engrossed for the third reading.

The 16th rule was then suspended with reference to said bill, and it was read the third time, passed, and the title agreed to. Ordered, that the Council be informed.

The house adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

The following bills, returned from the Council with amendments, were taken up, and the amendments were severally concurred in, viz:

No. 1, entitled "A bill to provide for the appointing of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings."

No. 12, "A bill for the partition of the half breed lands, and for other purposes."

No. 33, "A bill to authorize the board of county commissioners of the several counties in this territory to borrow money for the purpose of erecting court houses and jails."

No. 63, "A bill relating to limited partnerships."

No. 82, "A bill to incorporate the trustees of the Milwaukee Academy."

Ordered, that the Council be informed.

Bill No. 77, entitled "A bill to organize the county of Walworth, and to establish the seat of justice thereof," returned from the Council with amendments, was taken up and considered.

The house agreed to the first two amendments, and disagreed to the third, viz:

Strike out, in the 7th line of the 2d section, the words, "qualified voters," and insert "male inhabitants of the age of 21 years, who are actual residents of the said county, and have complied with the regulations of the different claim committees."

Ordered, that the Council be informed.

Bill No. 42, entitled "An act to incorporate the town of Green Bay," returned from the Council with amendments, was then considered.

The amendments were severally agreed to, except the following, viz:

Insert after the word "ages," in the second section, the words, "and being a citizen of the United States;"

Which, on motion of Mr. Sholes, was amended as follows:

"Strike out, after the word "age," in the 2d line of the 2d

section, the words "and being a citizen of the United States;" and insert after the word "being," in the same line, the words "citizens of the United States;" and

Ordered, that the council be informed.

The house then proceeded to consider bill No. 18, Council file, entitled "A bill for opening and repairing, or vacating public roads and highways," and the amendments made thereto, which had been disagreed to by the Council.

The house receded from all their amendments to which the Council had disagreed, except the following, viz:

"In section 56, line 5, strike out "privileges," and insert "liabilities;"

Which, on motion, was insisted on.

Messrs. Sholes and Engle were appointed a committee to confer with a similar committee to be appointed by the Council in relation to said disagreement.

Ordered, that the clerk inform the Council thereof, and request a conference.

The house then proceeded to consider the amendments made to bill

No. 41, Council file, entitled "A bill concerning grand and petit jurors," to which the Council had disagreed, viz:

"Strike out all after the word "Gospel," in the 13th line, to the word "gates," in the 17th line inclusive; in the 6th line of the 4th section, strike out the words "of America," after the words "United States."

The house insisted on the first amendment, and receded from the second.

Ordered, that the Council be informed.

The amendments made to bill No. 61, entitled "A bill to change the corporate powers of the village of Milwaukee," to which the Council had disagreed, were then considered, viz:

In the fourth line of section twelve, strike out, "twenty-five to forty," and insert "sixteen to twenty-four;"

Add a new section to the bill, to be called section 20: "That the taxes levied," &c.

The house insisted on the first amendment, and receded from the latter.

Ordered, that the clerk acquaint the Council thereof.

Bill No. 113, entitled "A bill to amend an act entitled 'An act to prevent trespasses on school lands,' approved December 9th, 1836," was taken up, and,

On motion of Mr. Parkinson,

The house resolved itself into a committee of the whole on said bill; Mr. Brunson in the chair.

After some time the committee rose, and by their chairman reported said bill without amendment.

Mr. Chance moved to strike out the word "supervisors," wherever it may occur in the bill.

The motion was lost.

On motion of Mr. Childs, an additional section, to be called section 6th, was added, viz:

"Nothing in this act shall be so construed as to affect the 16th section or school section, in the county of Brown, and the counties thereto attached for judicial purposes."

The bill was then ordered to be engrossed for a third reading.

The 16th rule was then suspended with reference to said bill, which was then read the third time, passed, and the title thereof agreed to.

Ordered to be sent to the Council for concurrence.

Bill No. 108, entitled "A bill to regulate the sale of school lands, and to provide for organizing, regulating, and perpetuating common schools," was taken up.

On motion of Mr. Quigley,

The house resolved itself into a committee of the whole; Mr. Brunson in the chair.

After some time the committee rose, and by their chairman reported the bill with amendments.

The amendments were agreed to.

The bill was then ordered to be engrossed for a third reading.

The 16th rule was then suspended with reference to said bill, which was then read the third time, passed, and title agreed to.

Ordered to be sent to the Council for concurrence.

Mr. Chance, by leave, introduced bill No. 127, entitled "A bill to incorporate the Iowa Mutual Fire Insurance Company, at Burlington," which was read the first time, and laid on the table.

Mr. Chance presented the account of Newhall and others, which,

On motion, was referred to the committee on expenses.

The house adjourned.

Thursday, January 11, 1838.

Mr. Sheldon presented the petition of sundry citizens of Racine county, praying for the incorporation of a company to construct a rail road from the village of Racine, westerly, to Rock river.

Referred to a select committee consisting of Messrs. Sheldon, Cornwall, and M^cWilliams.

Mr. Cornwall presented the petition of sundry citizens of Walworth county, praying for the passage of an act to authorize the survey of a rail road from South Port on Lake Michigan, to some point on Rock river, at or near Janesville.

Referred to committee on internal improvements.

Mr. M^cWilliams, from the committee on enrolment, reported the following acts to be correctly enrolled, viz:

“An act to incorporate the stockholders of the Banks of Racine and Iowa.”

“An act to locate and establish the seat of justice of Jefferson county.”

“An act to incorporate the Racine Seminary.”

“An act to amend an act, entitled ‘An act to incorporate the Fox river Hydraulic Company.’”

“An act to incorporate the Root river Rail Road Company.”

“An act to amend an act, entitled ‘An act to incorporate the La Fontaine Rail Road Company.’”

“An act to authorize John Dowling and James Sproule to erect a toll bridge across the west fork of the Pecatonica river.”

The said acts were then presented to, signed by the speaker, and

Ordered to be transmitted to the president of the Council for his signature.

Mr. Chance, from the select committee to which the subject was referred, reported

“A memorial to Congress for an appropriation for the laying out and opening a road on the west side of the Mississippi river, from the point on the river opposite Prairie du Chien, to the northern boundary of the State of Missouri.”

The following message was received from the Council by their secretary:

“Mr. Speaker,—The Council have amended the amendment of this house, to a resolution of the Council in relation to the printing of the laws, as follows, viz:

“To strike out all after the words ‘that the,’ and insert ‘printing of the laws passed at the present session of the legislative assembly, in pamphlet form, be given to Messrs. James Clarke & Co., of this place, and that they be instructed to have the same ready for distribution on or before the 15th day of May next.’

“The Council have also adopted a memorial to Congress for a donation of ‘inundated land’ in Illinois, to be sold, and the proceeds to be applied to the making of roads and bridges through the same;

“In which amendment and memorial, I am directed to ask the concurrence of this house.

“The Council have concurred in bills of this house of the following titles, viz:

“‘No. 109, a bill to divorce Louisa Ann Sibley from her husband William T. Sibley.’

“‘No. 123, a bill to divorce Martha Newton from her husband John C. Newton.’

“‘No. 124, a bill to divorce Abraham Jones and Lucinda Jones from the bonds of matrimony, and for other purposes,’ without amendment; and in bills

“‘No. 17, a bill to authorize Jean Brunet to establish a ferry across the Wisconsin river.’

" 'No. 28, a bill to establish a ferry across the Mississippi and Grant rivers.'

" 'No. 49, a bill to establish a ferry across the Mississippi river at Cassville.'

" 'No. 52, a bill to authorize Thomas P. Burnet and Alexander M'Gregor to establish a ferry across the Mississippi river.'

"No. 86, 'A bill to establish a ferry on Rock river, at Janesville, in Rock county.'

"No. 105, 'A bill to incorporate the stockholders of the state bank of Wisconsin, at Prairie du Chien,' with amendments thereto;'

"In which I am directed to ask the concurrence of this house.

"The Council have passed bills of the following titles, viz:

"No. 64, 'A bill to authorize Levi Moffet to keep a ferry across Skunk river, at Moffet's Mill.'

"No. 65, 'A bill to amend an act entitled, 'An act concerning the supreme and district courts, and defining their jurisdiction and powers;'

"In which I am directed to ask the concurrence of this house:"

And then he withdrew.

Mr. Nowlin, from the select committee to which the several bills establishing territorial roads were referred, reported bill No. 128, entitled "A bill to lay-out and establish the several territorial roads therein named."

Mr. Shanley, from the select committee to which bill No. 33, entitled "A bill to regulate weights and measures was referred, reported

Bill No. 129 as a substitute therefor.

Mr. Quigley, from the select committee, to which bill No. 103, entitled "An act to amend an act entitled, 'An act to establish the boundaries of the counties herein named, and for other purposes,' " was referred,

Reported the same back to the house without amendment, and asked the adoption of the following resolution:

Resolved, That the bill entitled, "An act to amend an act entitled 'An act to establish the boundaries of the counties

herein named, and for other purposes," is hereby indefinitely postponed.

On the question, "Shall the resolution be adopted?" the yeas and nays were called for, and were as follow :

Yeas:—Messrs. Blair, Childs, Cornwall, Chance, Engle, M'Williams, Quigley, Sheldon, Smith, Sholes, Wheeler—11.

Nays:—Messrs. Box, Boyls, Brunson, Brunet, Cox, Jenkins, M'Knight, Nowlin, Parkinson, Reynolds, Shanley, Teas, and Leffler—13.

Mr. Chance, by leave, introduced bill No. 130, entitled "A bill to provide for the sale of land on which the seat of justice of Henry county is located," which was read the first time, and laid on the table.

Mr. Sheldon, by leave, introduced bill No. 131, entitled "A bill to prevent trespass and other injuries being done to the possessions of settlers on the public domain, and to define the extent of the right of possession on the said lands," which was read the first and second times.

On motion of Mr. Sheldon,

The house resolved itself into a committee of the whole on said bill; Mr. Blair in the chair. After some time the committee rose, and by their chairman reported said bill with an amendment.

The amendment made in committee was agreed to, and the bill was ordered to be engrossed for a third reading.

The 16th rule was then suspended with reference to said bill, which was read the third time, passed, and the title agreed to.

Ordered to be sent to the Council for concurrence.

Bill No. 119, entitled "A bill to establish the several ferries herein named," was read the first and second times.

On motion of Mr. Chance, the house resolved itself into a committee of the whole on said bill; Mr. Cox in the chair. After some time the committee rose, and by their chairman reported the progress made therein, and asked leave to sit again.

Leave was granted.

The house adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

Bill No. 79, entitled "A bill for the benefit of mechanics," was read the second time.

On motion of Mr. Childs,

The house resolved itself into a committee of the whole on said bill, Mr. Chance in the chair.

After some time the committee rose, and by their chairman reported said bill without amendment.

The bill was then ordered to be engrossed for the third reading.

The 16th rule was then suspended with reference to said bill, which was then read the third time, passed, and title thereof agreed to.

Ordered to be sent to the Council for concurrence.

Bill No. 39, Council file, entitled "A bill providing for and regulating general elections in this territory," was read the second time.

On motion of Mr. Quigley,

The house resolved itself into the committee of the whole on said bill, Mr. Sholes in the chair.

After some time the committee rose, and by their chairman reported progress, and asked leave to sit again.

Leave was granted.

Bill No. 88, entitled "A bill to prevent disasters on steamboats navigating the waters within the territory of Wisconsin," was read the second time.

On motion of Mr. Nowlin, the house resolved itself into the committee of the whole on said bill, Mr. Wheeler in the chair.

After some time the committee rose, and by their chairman reported said bill without amendment.

The bill was then ordered to be engrossed for the third reading.

The 16th rule was then suspended with reference to said bill, which was read the third time, passed, and the title thereof agreed to.

Ordered to be sent to the Council for concurrence.

The house adjourned.

Friday, January 12, 1838.

Mr. Teas presented the petition of David James, praying for the exclusive right to keep a ferry across the Mississippi river, at Burlington.

Referred to the committee of the whole house.

Mr. Sheldon, from the committee on the militia to which an act relating to the militia and public defence of the territory of Wisconsin, returned by the executive without his signature, together with the message relating thereto, was referred, made the following report, and introduced

Bill No. 4, entitled "A bill entitled an act relating to the militia and public defence of the territory of Wisconsin."

The committee on the militia, to which was referred the bill entitled "An act relating to the militia and public defence of the territory of Wisconsin," which was returned to this house on the 9th instant, by the governor without his signature, in consequence of the numerous mis-spellings, clerical errors, and important mistakes, made in the enrolment of said bill, respectfully report that they have carefully compared the bill, as enrolled, with the bill as it passed this house, have made all the necessary corrections, and re-copied all the sheets on which were any errors; they therefore report the bill back to the house, as in a proper condition to be again passed without even the formality of a reading in committee of the whole.

The report was adopted, and the bill was read the first and second times.

On motion of Mr. Engle, the several rules were suspended

with reference to said bill, which was then read the third time, passed, and the title thereof agreed to.

Ordered to be sent to the Council for concurrence.

Mr. M^cWilliams, from the committee on enrolment, reported the following acts and memorials to be correctly enrolled, viz:

“An act to locate and establish a territorial road from Fort Howard to Fort Winnebago, on the west side of Fox river, and for other purposes:”

“An act for the benefit of the towns of Bellevue and Peru, in the original county of Dubuque;” “An act to abolish imprisonment for debt, and for other purposes:”

“An act to establish a county to be called Portage, defining its territory, &c.:”

“An act concerning debtors and their sureties:”

“An act to divorce Louisa Ann Sibley from her husband William T. Sibley:”

“A memorial to Congress for the relief of Major Jeremiah Smith:”

“A memorial to Congress for an appropriation for a road from Racine to the Mississippi river.”

The said acts and memorials were then presented to, signed by the speaker, and ordered to be transmitted to the president of the Council for his signature.

Mr. Engle, from the select committee to which was referred bill

No. 62, entitled “A bill for an act to amend an act entitled ‘An act to establish the judicial districts of the territory of Wisconsin, and for other purposes,’ and to regulate the time of holding courts in the several counties of this territory,” reported the same back with a substitute therefor; which was read the first time, and laid on the table.

Mr. Sheldon, from the select committee to which was referred the petition of sundry citizens of Racine county, praying for the charter of a rail road, &c., reported bill No. 133, entitled “A bill to incorporate the Racine and Rock river Rail Road Company;” which was read the first and second times, and laid on the table.

The resolution of the Council, as amended, relative to printing the laws passed at the present session, was then taken up.

Mr. Cox moved to amend the resolution by striking out the words

“Messrs. James Clarke and Co.,” and inserting “William S. Hamilton, editor of the Miners’ Free Press, of Mineral Point.”

The yeas and nays being called for on this amendment, were as follow :

Yeas :—Messrs. Boyls, Brunson, Cox, Jenkins, M’Knight, Parkinson, Reynolds, Smith, Shanley, and Teas—10.

Nays :—Messrs. Blair, Box, Brunet, Cornwall, Chance, Engle, M’Williams, Nowlin, Quigley, Sheldon, Sholes, Wheeler, and Leffler, speaker—13.

So the amendment was lost.

Mr. Chance called for the previous question,

And the yeas and nays being called for, were as follow :

Yeas :—Messrs. Blair, Brunet, Cornwall, Chance, Engle, Nowlin, Quigley, Sheldon, Smith, Wheeler, and Leffler, speaker—11.

Nays :—Messrs. Box, Boyls, Brunson, Cox, Jenkins, Parkinson, M’Knight, M’Williams, Reynolds, Shanley, Sholes, and Teas—12.

So the house refused to put the main question.

Mr. Cox again moved to amend by inserting

“Corriell, King, and Russell, editors of the Iowa News,” and by striking out “Messrs. James Clarke and Co.”

The yeas and nays being called for on this amendment, were as follow :

Yeas :—Messrs. Boyls, Cox, Jenkins, M’Knight, Reynolds, Nowlin, Quigley, Shanley, Teas, and Wheeler—10.

Nays :—Messrs. Blair, Box, Brunson, Brunet, Childs, Cornwall, Chance, Engle, M’Williams, Parkinson, Sheldon, Smith, Sholes, and Leffler, speaker—14.

So the amendment was lost.

The question then recurred on agreeing with the resolution of the Council as amended, and the yeas and nays being called for, were as follow :

Yeas:—Messrs. Blair, Box, Brunet, Childs, Cornwall, Chance, Engle, M. Williams, Nowlin, Quigley, Sheldon, Smith, Sholes, Wheeler, and Leffler, speaker—11.

Nays:—Messrs. Boyls, Brunson, Cox, McKnight, Parkinson, Reynolds, Shanley, and Teas—8.

So the resolution of the Council was concurred in.

Bill No. 132, entitled "A bill to amend an act entitled 'An act to establish the seat of government of the territory of Wisconsin, and to provide for the erection of public buildings,'" was read the first and second times.

On motion of Mr. Quigley,

The house resolved itself into a committee of the whole on said bill; Mr. Childs in the chair.

After some time the committee rose, and by their chairman reported the progress made therein, and asked leave to sit again.

Leave was granted.

The following communication was received from the Council by the secretary;

"Mr. Speaker,—The Council have passed bills of the following titles, viz:

"No. 16, 'A bill to establish a ferry across the Mississippi river, in this territory;' and

"No. 52, 'A bill regulating writs of attachment;'

"In which bills I am directed to ask the concurrence of this house.

"The Council have concurred in the resolution of this house authorizing the secretary of the territory to procure seals for the judges of probate and clerks of the several boards of county commissioners in this territory.

"The Council have concurred in the amendment made by this house to their amendment made to bill No. 42, entitled 'A bill to incorporate the borough of Green Bay,' and have insisted on their disagreement to the amendment made by this house to the first section of bill

"No. 41, Council file, 'A bill concerning grand and petit jurors;'

" And, further, have requested a conference thereon.

" Messrs. Arndt and Sweet have been appointed the committee on the part of the Council relative to this bill.

" The Council likewise adhered to their amendment made to bill No. 77 of this house, entitled ' A bill to organize the county of Walworth, and for other purposes,' and have requested a conference thereon.

" Messrs. Knapp and Irwin have been appointed the committee on the part of the Council in relation thereto.

" The Council have receded from their disagreeing vote to the amendment made by this house to bill No. 61, entitled ' A bill to change the corporate powers of the village of Milwaukee,' which had been adhered to by this house.

" I have been instructed by a resolution of the Council, again to call upon this house for the report of the commissioners to superintend the public buildings at the seat of government, and also the report of the acting commissioner of the same board of commissioners.

" The Council have concurred in bill No. 87 of this house, entitled ' A bill to organize the county of Green, and to extend the boundaries thereof,' with amendments;

" In which amendments I am directed to ask the concurrence of this house:"

And then he withdrew.

On motion of Mr. Chance,

Ordered, that bill No. 119, entitled " A bill to establish the several ferries herein named," and which had been made the order for to-day, be laid on the table until to-morrow.

Mr. Parkinson gave notice, that he would, at some future day, introduce a bill to amend an act entitled an act to establish the seat of government of Wisconsin territory.

The house adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

On motion of Mr. Sheldon,

Ordered, that the report of the commissioners of public buildings at Madison be transmitted to the Council, agreeably to their request.

On motion of Mr. Chance,

Ordered, that the petitions of David James and Amos Ladd, relative to ferries at Burlington, be referred to a select committee, composed of the Des Moines delegation.

The speaker presented several petitions on the same subject, which were referred to the same committee.

Mr. Nowlin, from the select committee, to which was referred bill No 43, Council file, entitled "A bill to license and regulate taverns," reported the same with amendments, which was read the second time, and laid on the table.

Mr. M. Williams, from the committee on enrolments, gave notice that on yesterday he presented the following acts to the executive for his signature, viz :

"An act to locate and establish a territorial road from Fort Howard to Fort Winnebago, on the west side of Fox river, and for other purposes :"

"An act to abolish imprisonment for debt, and for other purposes :"

"An act to establish a county to be called Portage, defining its territory, &c. :"

"An act concerning debtors and their securities ;" and

"An act to divorce Louisa Ann Sibley from her husband William T. Sibley."

On motion of Mr. Chance,

Ordered, that the committee of the whole, to which was referred bill 119, entitled "A bill to establish the several ferries herein named," be discharged from the further consideration of the subject, and that said bill be now considered.

Mr. Quigley moved to amend said bill, No. 119, by inserting an additional section, viz : "That Hezekiah H. Gear, his heirs and assigns be, and they are hereby authorized to establish and keep a ferry across the Mississippi river, in the county of Dubuque, with the exclusive privilege within the following described limits, viz ; 'commencing at the mouth of the Tete de Mort, and extending one mile above, and one mile below,' for the term of twelve years."

The amendment was lost.

The bill was then ordered to be engrossed for a third reading.

The following message was received from the Council by the secretary :

“ Mr. Speaker,—the Council have disagreed to the following amendments made by this house to bill No. 15, Council file, viz :

“ ‘ Sect. 1, line 7th, strike out ‘two hundred,’ and insert ‘seventy-five;’ sect. 1, line 8, after the words ‘hundred dollars’ insert ‘and excepting libraries, tools of mechanics and agricultural implements;’ sect. 9 lines 9 and 10, strike out ‘three years,’ and insert ‘one year:’ ”

“ ‘ Sect. 47, strike out ‘auctioneer,’ in the first line, and in lines three and four, strike out ‘public auctioneer or;’ and have amended the amendment of the House of Representatives, to wit: strike out all after the word ‘made,’ in the 5th line of the 6th sect. to the word ‘and,’ in the 8th line thereof, as follows—retain the words ‘and correct all double or imperfect listing or errors in rates, description or qualities of lands, or lots,’ and insert before the same, the words ‘examine the assessment rolls.’ ”

“ The governor has notified the Council that he did on yesterday examine and approve the following acts, viz :

“ ‘ An act to incorporate the Racine Seminary.’ ”

“ ‘ An act to amend an act entitled ‘An act to incorporate the Fox river Hydraulic Company.’ ”

“ ‘ An act to amend an act entitled ‘An act to incorporate the La Fontaine Rail Road Company.’ ”

“ ‘ An act to authorize John Dowling and James Sproule to erect a toll-bridge across the west fork of the Pecatonica river; and an act to incorporate the Root river Rail Road Company.’ ”

“ ‘ The Council have concurred in the memorial to Congress for an appropriation for a road from Prairie du Chien, on the west side of the Mississippi river, to the northern boundary line of Missouri.’ ”

The Council have, by unanimous consent, inserted the words ‘during the nights’ after the words ‘passage,’ in the second line of the 6th section, of

“ ‘ An act to establish and regulate ferries in the county of

Milwaukee and the counties thereto attached for judicial purposes, which was accidentally omitted, and which appears necessary to a correct understanding of the provisions of that section.

"And I have been directed to request a similar concurrence on the part of this house, in relation to the omission referred to."

And then he withdrew.

Bill No. 62, (substitute) entitled "A bill to amend an act entitled an act to establish the judicial districts of the territory of Wisconsin and for other purposes, and to regulate the time of holding courts in the several counties of this territory," was read the second time.

On motion of Mr. Sholes,

The house resolved itself into the committee of the whole on said bill, Mr. Cornwall in the chair.

After some time the committee rose, and by their chairman reported said bill with amendments.

The amendments made in committee were agreed to.

The bill was then ordered to be engrossed for the third reading.

Bill No. 97, entitled "A bill concerning vagrants," was read the second time, and

On motion of Mr. Reynolds, laid on the table.

Bill No. 117, entitled "A bill to prevent fraudulent and malicious mischief," was taken up, and

On motion, was indefinitely postponed.

Bill No. 103, entitled "An act to amend 'An act to establish the boundaries of the counties herein named, and for other purposes,'" was read the second time.

On motion of Mr. Nowlin,

The house resolved itself into a committee of the whole on said bill; Mr. Jenkins in the chair.

After some time the committee rose, and by their chairman reported said bill with amendments.

The amendments made in committee, were agreed to.

The bill was then ordered to be engrossed for a third reading.

Bill No. 127, entitled "A bill to incorporate the Iowa Mutual Insurance Company, at Burlington," was read the second time.

On motion of Mr. Chance,

The house resolved itself into a committee of the whole on said bill; Mr. Parkinson in the chair.

After some time the committee rose, and by their chairman reported said bill with amendments.

The amendments made in committee were agreed to.

The bill was then ordered to be engrossed for a third reading.

Bill No. 130, entitled "A bill to provide for the sale of land, on which the seat of justice of Henry county is located," was read the second time.

On motion of Mr. Jenkins,

The house resolved itself into a committee of the whole on said bill; Mr. Teas in the chair.

After some time the committee rose, and by their chairman reported said bill without amendment.

The bill was ordered to be engrossed for the third reading.

The 16th rule was then suspended with reference to said bill, which was read the third time, passed, and the title thereof agreed to.

Ordered to be sent to the Council for concurrence.

Bill No. 129, entitled "A bill to regulate weights and measures," was read the second time.

On motion of Mr. Shanley,

The house resolved itself into a committee of the whole on said bill; Mr. Brunson in the chair.

After some time the committee rose, and by their chairman reported said bill without amendment.

The bill was then ordered to be engrossed for a third reading.

The 16th rule was then suspended with reference to said bill, which was read the third time, passed, and the title thereof agreed to.

Ordered to be sent to the Council for concurrence.

Bill No. 121, entitled "A bill to authorize the commissioners

of Des Moines county to levy a tax to build bridges," was read the first and second times.

On motion of Mr. Teas,

The house resolved itself into a committee of the whole on said bill; Mr. Nowlin in the chair.

After some time the committee rose, and by their chairman reported said bill with an amendment.

The amendment was agreed to.

Mr. Teas moved to postpone said bill for an indefinite time.

The motion to postpone was lost.

The bill was then ordered to be engrossed for the third reading.

Bill No. 122, entitled "A bill to provide for a territorial revenue," was read the first and second times.

On motion of Mr. Childs,

The house resolved itself into a committee of the whole on said bill; Mr. Sholes in the chair.

After some time, the committee rose, and by their chairman reported said bill without amendment.

The bill was then ordered to be engrossed for the third reading.

The 16th rule was then suspended with reference to said bill, which was read the third time, passed, and the title thereof agreed to.

Ordered to be sent to the Council for concurrence.

Bill No. 128, entitled "A bill to lay out and establish the several territorial roads herein named," was read the first and second times.

On motion of Mr. Nowlin,

The house resolved itself into a committee of the whole on said bill; Mr. Quigley in the chair.

After some time the committee rose, and by their chairman reported said bill with amendments.

The amendments made in committee were agreed to.

The bill was ordered to be engrossed for the third reading.

Mr. Teas, by leave, introduced bill No. 134, entitled "A bill to provide for the sale of the land on which the seat of justice of Louisa county is located;"

Which was read the first time, and laid on the table.

The house adjourned.

Saturday, January 13, 1838.

A message was received from the executive, informing the house that he had examined and approved the following acts, viz:

“An act to divorce Louisa Ann Sibley from her husband, William T. Sibley.”

“An act establishing a county to be called Portage, defining its territory, &c.”

“An act to incorporate the Green county Seminary,” and

“An act to abolish imprisonment for debt, and for other purposes.”

Mr. Brunson, from the committee on engrossed bills, reported bills No. 62, entitled “A bill for an act to amend an act entitled ‘An act to establish the judicial districts of the territory of Wisconsin, and for other purposes, and to regulate the time of holding courts in the several counties of this territory.’”

No. 121, entitled “A bill to authorize the commissioners of Des Moines county to levy a tax to build bridges.”

No. 127, “A bill to incorporate the Iowa Mutual Fire Insurance Company at Burlington,” to be correctly engrossed.

The said bills were severally read the third time, passed, and the titles thereof agreed to.

Ordered, that the clerk request the Council to concur in the said several bills.

Mr. M^cWilliams, from the select committee to which were referred the communication and report of P. H. Engle, Esq., submitted the following report and resolution:

“The select committee, to which were referred the communication and report of P. H. Engle, Esq., one of the committee appointed by a joint resolution of the two houses of the legislative assembly, at its last session, to purchase and forward to the seat of government the territorial library, have had the same under consideration, and beg leave to make the following report:

"That they have carefully examined the bills of purchase, and vouchers of P. H. Engle, Esq., and find them in accordance with his report submitted to this house on the 4th instant; your committee would therefore ask the adoption of the following resolution:

"Resolved, That P. H. Engle, Esq. has performed the duties required of him in said resolution, to the entire satisfaction of this house, as will be seen by an inspection of the documents and vouchers herewith submitted, [see Appendix, 'No. 6;'] and that he, together with the other gentlemen, members of said committee, be tendered the thanks of the House of Representatives, for their prompt and efficient discharge of the trust committed to them in said resolution, and that they be discharged from the further consideration of the subject.'"

The report and resolution were adopted, and the committee discharged.

The following message was received from the Council, by the secretary:

"Mr. Speaker,—The Council have concurred in bill No. 112, H. R. file, entitled 'A bill to establish the boundaries of the counties of Lee, Van Buren, Des Moines, Henry, Louisa, Muscatine, and Slaughter, and for other purposes.

"The governor has notified the Council that he did, on yesterday, examine, and approve the following:

"An act for the benefit of the towns of Bellevue and Peru, in the original county of Dubuque;'

"An act to locate and establish the seat of Jefferson county, in this territory;

"An act to incorporate the stockholders of the banks of Racine and Iowa;'

"A memorial to Congress for an appropriation for a road from Racine to the Mississippi river, and

"A memorial to Congress for the relief of Major Jeremiah Smith:'"

And then he withdrew.

The house then took up the undermentioned bills, and concurred in all the amendments made to each by the Council, viz:

No. 52, "A bill to authorize T. P. Burnett and Alexander McGregor to keep a ferry across the Mississippi river:"

No. 49, "A bill to establish a ferry across the Mississippi river, at Cassville:"

No. 84, "A bill to locate the seat of justice of the county of Green, and for other purposes;"

No. 87, "A bill to establish a ferry on Rock river, in Rock county at Janesville;"

No. 105, "A bill to incorporate the stockholders of the State Bank of Wisconsin, at Prairie du Chien."

Ordered, that the Council be informed.

The house then took up bill

No. 15, entitled "A bill for assessing and collecting county revenue," and the amendments made thereto, which had been disagreed to by the Council.

The house insisted on all their amendments, except the last, which was amended by the Council, in which the house concurred.

Ordered, that the Council be informed.

The amendments made by the Council to bills

Nos. 28, entitled "A bill to establish a ferry across the Mississippi and Grant rivers," and

17, entitled "A bill to authorize Jean Brunet to establish and keep a ferry across the Wisconsin river," were concurred in, except the provisos to the second sections, to which the house disagreed.

Ordered, that the Council be informed.

The house unanimously concurred in the amendment made by the Council to "An act to establish and regulate ferries in the county of Milwaukee, and the counties thereto attached for judicial purposes."

Ordered, that the Council be informed.

Messrs. Cox and Cornwall were appointed a committee of conference in relation to the disagreement concerning bill 41, Council file, entitled "A bill concerning grand and petit jurors."

Ordered, that the Council be informed.

Messrs. Sheldon and Sholes were appointed a committee of conference on the disagreeing vote of the two houses in rela-

tion to bill No. 77, entitled "A bill to organize the county of Walworth, and for other purposes."

Ordered, that the Council be informed.

Bill 39, Council file, entitled "A bill providing for and regulating general elections in this territory," was taken up.

On motion of Mr. M'Williams,

The house resolved itself into a committee of the whole on said bill; Mr. Sholes in the chair.

After some time the committee rose, and by their chairman reported said bill with amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading.

The 16th rule was then suspended, and said bill was read a third time, passed, and the title agreed to.

Ordered, that the Council be informed.

On motion of Mr. Engle, Wm. A. Warren was elected an additional transcribing clerk; and thereupon appeared, and was sworn.

The house adjourned.

Monday, January 15, 1838.

A message was received from the executive, informing the house that he had examined and approved

"An act to locate a territorial road from Fort Howard to Fort Winnebago, on the west side of Fox river, and for other purposes:" and

"An act concerning debtors and their securities."

Mr. M'Williams, from the committee on enrolments, reported the following acts and resolutions to be correctly enrolled:

"An act relative to limited partnerships:"

"An act authorizing the board of county commissioners of

the several counties in this territory to borrow money for the purpose of erecting court houses and jails:"

"An act for opening and repairing or vacating public roads and highways:"

"An act to authorize the building a dam across the Manitowoc river:"

"An act to incorporate the Dubuque Seminary:"

"An act to divorce Martha Newton from her husband John C. Newton:"

"An act to divorce Abraham Jones and Lucinda Jones from the bonds of matrimony, and for other purposes:"

"A resolution to provide the judges of probate and the clerks of the county commissioners with seals.

The said acts and resolutions were then presented to, signed by the speaker, and ordered to be transmitted to the president of the Council for his signature.

Mr. Sheldon, from the committee of conference, to whom was referred the bill to organize the county of Walworth, and to establish the seat of justice thereof, reported that the committee had "agreed to strike out, in the amendment made to the second section of the bill in the House of Representatives the following, to wit: 'And have complied with the regulations of the different claim committees.'"

The report was adopted, and the committee discharged.

Ordered, that the Council be informed.

The following bills were introduced by leave, and read the first and second times:

By Mr. Nowlin, No. 135, "A bill to provide for the sale of the land on which the seat of justice of Clayton county is located;"

By Mr. Box, No. 136, "A bill to provide for the sale of the land on which the seat of justice of the county of Van Buren will be located;"

By Mr. Parkinson, No. 137, "A bill to amend an act entitled 'An act to establish the seat of government of the territory of Wisconsin;'"

By Mr. Reynolds, No. 138, "A bill to provide for the sale of

the land on which the seat of justice of Muscatine county is located ;”

By Mr. Jenkins, No. 139, “ A bill authorizing a sale of the land upon which the seat of justice of the county of Slaughter is located, and for other purposes.”

Mr. Brunson, from the committee on engrossments, reported bill No. 103, entitled “ An act to amend an act entitled ‘ An act to establish the boundary lines of the counties herein named, and for other purposes. ’ ”

The said bill was then read the third time,

And on the question, “ Shall the bill pass ? ” the yeas and nays being called for, were as follow :

Yeas:—Messrs. Blair, Box, Boyls, Brunson, Brunet, Cox, Jenkins, M’Knight, Nowlin, Parkinson, Reynolds, Shanley, and Leffler, speaker—13.

Nays:—Messrs. Childs, Cornwall, Chance, Engle, M’Williams, Quigley, Sheldon, Smith, Sholes, Teas, and Wheeler,—11.

So the bill passed, and the title was amended to read,

“ A bill to establish additional precincts in the county of Scott, and for other purposes.”

Ordered, that the clerk request the Council to concur in the said bill.

The special order of the day was then announced, being

The report of the select committee in relation to the charges preferred against Alexander W. M’Gregor, Esq., by John Wilson.

Mr. Engle presented the statement of M’Gregor and the affidavits of Wm. H. Eades, S. Nye, and B. Nye, which were severally read. (See Appendix) “ No. 7.”

Mr. Engle offered the following resolution :

Resolved, That the further consideration of the charges preferred against Alexander W. M’Gregor, Esq., a member of this house, be postponed until the first day of next session (whether regular or extra) of the legislative assembly, in consequence of the absence of Wm. H. Eades, an important witness, as is alleged, on the part of the accused.

On motion of Mr. Cox,

The said resolution was laid on the table.

On motion of Mr. Cox,

The statement of A. W. M'Gregor, and the accompanying affidavit of W. H. Eades, was referred to the committee appointed by this house under a resolution of the 4th of December last, and were instructed to report on to-morrow.

Bill 96, entitled "A bill to incorporate counties," was read the second time, and,

On motion of Mr. Nowlin,

Was indefinitely postponed.

Bill No. 104, entitled "A bill to regulate the publication and distribution of the laws, and for other purposes," was read a second time.

On motion of Mr. Teas,

The house resolved itself into a committee of the whole on said bill; Mr. Nowlin in the chair.

After a short time, the committee rose, and by their chairman reported said bill without amendment.

The said bill was then referred to the following select committee, viz:

Messrs. Cox, Childs, and Engle.

Bill No. 6, Council file, entitled "A bill to legalize and make valid the records of deeds and other conveyances of the county of Brown," was then taken up.

The rules of the house were suspended in reference to said bill.

The bill was read the second and third times, passed, and the title agreed to.

Ordered, that the Clerk acquaint the Council thereof.

Bill No. 106, entitled "A bill to regulate mills and millers," was read the second time."

The house resolved itself into a committee of the whole on the said bill; Mr. M'Williams in the chair.

After a short time the committee rose, and reported the bill without amendment.

The bill was then ordered to be engrossed and read the third time.

The house resolved itself into a committee of the whole on

the following bills: Nos. 134, 135, 136, 138, and 139, entitled "Bills to provide for the sale of the land on which the seats of justice are located in the several counties of Slaughter, Muscatine, Van Buren, Clayton, and Louisa;" Mr. Childs in the chair.

After some time the committee rose, and reported the said bills with amendments.

Mr. M'Williams moved that the said several bills be indefinitely postponed.

The yeas and nays being called for, were as follow:

Yeas:—Messrs. Blair, Box, Brunet, Childs, Jenkins, M'Williams, Nowlin, Parkinson, Quigley, Sheldon, Shanley, Sholes, Teas, and Leffler, speaker—14.

Nay:—Mr. Cox.

So the bills were indefinitely postponed.

Mr. Parkinson gave notice that he should, by leave, introduce bills at a future day, "To authorize the supervisors or county commissioners of the county of Iowa to build a bridge across the east fork of the Pecatonica river," and "For the appointment of a public administrator in each of the counties in this territory."

The house adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

Mr. Sholes, from the joint committee appointed to select such of the laws of Michigan as might be thought proper for the purpose of having them printed in the pamphlet laws of the present session, made a report on that subject, (see Appendix, "No. 8,") which was laid on the table.

Mr. M'Williams, from the committee on enrolments, reported the following acts, &c., to be correctly enrolled, viz:

"An act to provide for the collection of demands against boats and vessels."

"An act to organize the county of Green."

"An act to authorize Thomas P. Burnett and Alexander M'Gregor to establish a ferry across the Mississippi river."

"An act to authorize William Walker and Joseph H. D. Street to keep a ferry."

“An act to provide for the appointing of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings;” and

“A memorial to Congress praying for an appropriation to construct a road from Prairie du Chien to the northern boundary line of Missouri, on the west side of the Mississippi river.”

Said acts, &c., were then presented to, signed by the speaker, and ordered to be transmitted to the president of the Council for his signature.

Mr. Sheldon, from the select committee to which were referred sundry petitions of the inhabitants of the counties of Milwaukee and Walworth, praying for the location of the several territorial roads therein named, reported

Bill No. 140, entitled “An act to locate and establish the territorial roads herein described;” which was read the first and second times, and laid on the table.

Bill No. 4, Council file, entitled “A bill to provide for changing the venue in civil and criminal cases,” was taken up, read the second time, and,

On motion of Mr. Engle,

The bill was indefinitely postponed.

Bill No. 22, Council file, entitled “A bill providing for recording of town plats,” was taken up, and read the second time:

On motion of Mr. Sheldon,

The house resolved itself into a committee of the whole on said bill; Mr. Teas in the chair.

After some time the committee rose, and by their chairman reported said bill without amendment.

The bill was then ordered to be engrossed for the third reading.

The 16th rule was then suspended, and said bill was read the third time, passed, and the title thereof agreed to.

Ordered, that the Council be informed.

Bill No. 55, Council file, entitled “A bill to regulate ferries,” was read the first and second times.

On motion of Mr. Parkinson,

The house resolved itself into a committee of the whole on said bill; Mr. Jenkins in the chair.

After some time the committee rose, and by their chairman reported said bill with an amendment.

The amendment made in committee was agreed to.

The bill was then ordered to be engrossed for a third reading.

The 16th rule was then suspended, and said bill was read the third time, passed, and the title thereof agreed to.

Ordered, that the Council be informed.

Bills numbered 16, Council file, entitled "A bill to establish a ferry across the Mississippi river, in this territory," and 64, entitled "A bill to authorize Levi Moffet to keep a ferry across Skunk river, at Moffet's mill," were severally read the first and second times.

On motion of Mr. Childs,

The house resolved itself into a committee of the whole on said bill; Mr. Sheldon in the chair.

After some time the committee rose, and by their chairman reported said bills without amendment.

The bills were ordered to be engrossed for a third reading.

The 16th rule was then suspended, and said bills were read the third time, passed, and the titles thereof agreed to.

Ordered, that the Council be informed.

Bill No. 65, Council file, entitled "A bill to amend an act entitled an act concerning the supreme and district courts, and defining their jurisdiction;" was read the first and second times.

On motion of Mr. Sheldon,

The house resolved itself into a committee of the whole on said bill; Mr. Cornwall in the chair.

After some time the committee rose, and by their chairman reported said bill with amendments.

The amendments made in committee were agreed to, and the bill was ordered to be engrossed for a third reading.

The 16th rule was then suspended, and the bill was read the third time, passed, and the title thereof agreed to.

Ordered, that the Council be informed.

Bill No. 42, Council file, entitled "A bill to incorporate the

Marquette and Kentucky City Canal Company," was read the first and second times.

On motion of Mr. Sheldon,

The house resolved itself into a committee of the whole on said bill; Mr. Cox in the chair.

After some time the committee rose, and by their chairman reported said bill with amendments.

The amendments made in committee were agreed to, and

The bill was ordered to be engrossed for a third reading.

The 16th rule was then suspended, and said bill was read a third time, passed, and the title thereof was agreed to.

Ordered, that the Council be informed.

Bill No. 53, Council file, entitled "A bill regulating writs of attachment," was read the first and second times.

On motion of Mr. Sheldon,

The house resolved itself into a committee of the whole on said bill; Mr. Sholes in the chair.

After some time the committee rose, and by their chairman reported the bill without amendment.

On motion of Mr. Quigley,

The bill was referred to the committee on the judiciary.

Message from the Council by the secretary :

"Mr. Speaker,—The Council have passed bills of the following titles :

"No. 63, 'A bill to locate and establish the several territorial roads therein named.'

"No. 62, 'A bill for the punishment of the crime of bribing :'

"In which bills I am directed to ask the concurrence of this house.

"The Council have concurred in bills of this house, as follow :

"No. 4, A bill entitled 'An act relating to the militia and public defence of the territory of Wisconsin;' and

"No. 81, 'A bill to require certain county officers to reside or hold their offices at the seats of the respective counties.'

"Also, has concurred in the following, with amendment, viz :

"No. 71, 'A bill to establish a ferry across the Des Moines river opposite to the town of Rochester in Van Buren county;'

"No. 99, 'A bill to establish the university of Wisconsin territory;'

"No. 22, 'A bill to prevent and punish gambling;'

"In which amendments I am directed to ask the concurrence of this house.

"The Council have passed a resolution relating to the capitol at Madison, a copy of which is herewith presented for the concurrence of this house.'

"The Council have receded from their disagreeing vote to the amendments of this house to bill No. 15, entitled 'A bill for assessing and collecting county revenue;'

"And have concurred in all the amendments made to bill

"No. 39, entitled 'A bill providing for, and regulating general elections in this territory;'

"And in the report of the committee of conference to which had been referred the amendments to bill No. 77, of the house, entitled 'A bill to organize the county of Walworth and to establish the seat of justice thereof.'

"The Council have indefinitely postponed bills of the house of the following titles, viz:

"No. 108, 'A bill to regulate the sale of school lands, and to provide for organizing and perpetuating common schools:'

"No. 103, 'A bill to establish additional precincts in the county of Scott, and for other purposes;'

"No. 121, 'A bill to authorize the commissioners of Des Moines county to levy a tax to build bridges;'

"No. 79, 'A bill for the benefit of mechanics;'

"No. 113, 'A bill to amend an act entitled 'An act to prevent trespass on school lands,' approved December 9th, 1836, and No. 129, 'A bill to regulate weights and measures:'''

And then he withdrew.

Mr. Teas, by leave, introduced bill No. 141, entitled "A bill concerning the publication of advertisements," and bill No. 142, entitled "A bill to authorize evidence by the oath of the parties," which were severally read the first and second times.

The house adjourned.

Tuesday, January 16, 1838.

A message was received from the executive, informing the house that he had examined and approved the following acts and memorials, viz :

“ An act to organize the county of Greene.”

“ An act to authorize William Walker and Joseph H. D. Street to keep a ferry.”

“ An act to authorize H. F. Janes to keep a ferry.”

“ An act to authorize Thomas P. Burnett and Alexander M'Gregor to establish a ferry across the Mississippi river.”

“ An act to provide for the collection of demands against boats and vessels.”

“ An act to authorize the building a dam across the Manitowoc river.”

“ An act relative to limited partnerships.”

“ An act to incorporate the Dubuque Seminary.”

“ An act to divorce Martha Newton from her husband John C. Newton :”

“ An act to divorce Abraham Jones and Lucinda Jones from the bonds of matrimony, and for other purposes.”

“ An act to authorize the board of county commissioners, of the several counties in this territory, to borrow money for the purpose of erecting court houses and jails.”

“ A resolution to provide the judges of probate and the clerks of the county commissioners with seals; and

“ A memorial to Congress, praying for an appropriation to construct a road from Prairie du Chien to the northern boundary line of the state of Missouri, on the west side of the Mississippi river.”

Mr. Brunson, from the committee on engrossed bills, reported bills No. 106, entitled “ A bill to regulate mills and millers; ”

No. 119, entitled “ A bill to establish the several ferries herein named; ” and 128, entitled “ A bill to lay out and estab-

lish the several territorial roads therein named," to be correctly engrossed.

The said several bills were read the third time, passed, and the titles thereof agreed to.

Ordered, that the Council be requested to concur therein.

Mr. Chance, from the select committee, to which was referred the petition of sundry persons for ferries at Burlington, reported bill No. 143, entitled "A bill to establish ferries across the Mississippi river, opposite the town of Burlington, in Des Moines county,"

Which was read the first and second times, and laid on the table.

Mr. M^cWilliams, from the committee on enrolments, reported, as correctly enrolled, the following acts, viz:

"An act to change the corporate powers of the village of Milwaukee."

"An act to establish and regulate ferries in the county of Milwaukee and the counties thereto attached, for judicial purposes."

"An act for the partition of the half breed lands, and for other purposes."

"A memorial to Congress for a donation of inundated land in Illinois, to be sold, and the proceeds to be applied to the making roads and bridges through the same;" and

"A resolution relative to printing the laws in pamphlet form."

Said acts, &c., were then presented to, signed by the speaker, and

Ordered to be transmitted to the president of the Council for his signature.

The following communication was received from the Council by the secretary:

"Mr. Speaker,—The Council have receded from their amendments to bill

"No. 17, entitled 'A bill to authorize Jean Brunet to establish and keep a ferry across the Wisconsin river;' and to bill

"No. 28, entitled 'A bill to establish a ferry across the Mis-

Mississippi and Grant rivers;' which were disagreed to by this house.

"The Council have disagreed to all the amendments made by this house to bill No. 43, entitled 'A bill to license and regulate taverns,' except to strike out the 11th section, in which they have concurred.

"The Council have adopted the report of the committee of conference on the part of the Council relating to the disagreeing vote of the two houses to a bill, entitled

" 'A bill concerning grand and petit jurors,' to wit:

"To retain in the first section the words 'officers of colleges, not including trustees or directors thereof, and preceptors and teachers of incorporated academies or universities, and one teacher in each common school, practising physicians, and surgeons regularly licensed;' and

"To strike out 'regularly licensed ferryman, supervisors of public highways, attenders of grist mills, attenders of toll bridges and turnpike gates.'

"The Council have amended the amendment of this house to bill

"No. 65, entitled 'A bill to amend an act concerning the supreme and district courts, and defining their jurisdiction and powers,' so as to make it necessary that the writ shall have been issued five months before the first day of the term at which a trial is to be had, in place of sixty days.

"The governor has notified the Council that he did approve on yesterday

" 'An act for opening and repairing, or vacating public roads and highways:' "

And then he withdrew.

Mr. Parkinson, according to previous notice, introduced bill No. 144, entitled "A bill to authorize the county commissioners of Iowa county to levy a poll tax to build bridges;" and

Bill No. 145, entitled "A bill to authorize the appointment of public administrators in the several counties in this territory, and for other purposes;"

Which were severally read the first and second times.

Mr. Quigley, from the joint committee, appointed to select

such of the laws of Michigan as might be thought proper, for the purpose of having them printed in the pamphlet laws of the present session, reported

Bill No. 146, entitled "A bill supplementary to an act, entitled 'An act to regulate the mode of petitioning the legislative assembly in certain cases;'"

Which was read the first and second times, and laid on the table.

Mr. Sholes, from the select committee appointed in the matter of Alexander W. M'Gregor, Esq., and to which had been referred by a resolution of yesterday, the deposition of William H. Eades, together with the statement of said M'Gregor, reported,

"That they have taken testimony upon the matters referred to them, which is herewith submitted. It will be seen, that an unsuccessful attempt was made to impeach the character of William H. Eades, for veracity; and that no *evidence* was adduced calculated to render the authenticity of the deposition, purporting to be that of Eades, doubtful. In regard to the statement of Mr. M'Gregor, referred to the committee, some testimony was adduced, designed to impeach its credibility. How far the testimony has this effect the committee will leave to the house to determine, after merely referring to one discrepancy which appears between a part of M'Gregor's statement, and the deposition of Mr. Clark, in regard to the *time* when the *copy* of the note (marked K,) was given by M'Gregor to Wilson.

"The committee, after much consideration, must express the decided opinion, that the deposition of William H. Eades is calculated to throw much doubt upon the subject—a doubt which cannot be satisfactorily removed, but by the personal appearance and examination of Eades himself; and, under this view of the case, believing that the house is not in possession of facts sufficient to dispel the mystery and doubt, which must necessarily exist, and to enable it safely and justly to proceed to a final decision; the committee cannot but recommend that the decisive action of the house be stayed, until there will be some possibility of arriving at truth—until the party accused

has time to substantiate the truth of his statement, and the authenticity of the deposition obtained, or the party accusing an opportunity to disprove them, no injury can result from delay—*justice* to both parties appears to demand it, and *humanity* as far, at least, as the accused party is concerned, would certainly sanction it.”

The report was laid on the table.

The following resolution from the Council was taken up, viz:

Resolved, By the Council and House of Representatives of the territory of Wisconsin, That the report of the commissioners appointed to agree upon a plan of the public buildings, and to superintend the erection of the same at Madison, dated at Mineral Point, Nov. 29th, 1837, be approved.

“That said commissioners be required to advertise for proposals, and contract for the completion of said buildings on the plan submitted, agreeably to the provisions of an act entitled “An act to establish the seat of government of the territory of Wisconsin, and to provide for the erection of public buildings;” approved Dec. 3, 1836, and that the treasurer of said board of commissioners be required to pay to Augustus A. Bird, acting commissioner, five hundred dollars, out of the money on hand, in part pay for his services rendered: Provided, that nothing herein contained shall go to excuse the commissioners for any misconduct, or for acting contrary to the provisions of the act above recited.”

Mr. Quigley moved to postpone the resolution for an indefinite time, and on this question the yeas and nays being called for, were as follow:

Yeas:—Messrs. Box, Chance, Engle, Jenkins, Nowlin, Quigley, and Wheeler—7.

Nays:—Messrs. Boyls, Brunson, Brunet, Childs, Cornwall, Cox, M'Knight, Parkinson, Reynolds, Sheldon, Smith, Shanley, Sholes, Teas, and Leffler, speaker—15.

So the house refused to postpone the resolution.

Mr. Engle then moved to lay the resolution on the table for the present.

The yeas and nays being called for, were as follow:

Yeas :—Messrs. Box, Chance, Engle, Jenkins, Nowlin, Quigley, and Wheeler—7.

Nays :—Messrs. Blair, Boyls, Brunson, Brunet, Childs, Cornwall, Cox, M'Knight, M'Williams, Parkinson, Reynolds, Sheldon, Smith, Shanley, Sholes, Teas, and Leffler, speaker—17.

So the house refused to lay the resolution on the table.

Mr. Engle offered the following resolutions as substitutes for the resolutions from the Council :

Resolved, By the Council and House of Representatives of Wisconsin territory, that there shall be appointed by the executive of the territory, three disinterested and competent persons to audit, settle and adjust the accounts of the commissioners of the public buildings, and the treasurer thereof, and that they have full power on the part of the legislative assembly for that purpose.

Resolved, That any future appropriation made by the Congress of the United States for the purpose of completing the capitol at Madison, be drawn from the treasury of the United States by the secretary of the territory, and be paid by him upon the drafts of the Commissioners of public buildings, or a majority of them, countersigned by the persons so to be appointed by the governor, or a majority of them.

The previous question was called for by Mr. Cornwall, and

The yeas and nays being called for, were as follow :

Yeas :—Messrs. Blair, Box, Boyls, Brunet, Childs, Cornwall, Cox, M'Knight, M'Williams, Parkinson, Reynolds, Sheldon, Smith, Shanley, Sholes, Teas, and Leffler—17.

Nays :—Messrs. Chance, Engle, Jenkins, Nowlin, Quigley, and Wheeler—7.

So the main question was ordered to be put.

The hour having arrived, to which the special order of the day was assigned,—

The house proceeded to take it up, being the report of a committee in relation to the charges preferred against Alexander W. M'Gregor, Esq., a member of this house.

A communication was received from James W. Grimes and William Henry Starr, Esqrs., asking to be admitted as counsel for Mr. Wilson, in relation to the case of Mr. M'Gregor.

On motion of Mr. Chance,

Messrs. Grimes and Starr were admitted as counsel for Mr. Wilson, within the bar of the house.

On motion of Mr. Engle,

The following resolution was first considered, being a part of the report of the committee in relation to the case of Mr. M'Gregor :

Resolved, That the conduct of John Wilson, in offering to a member of this house a bribe for the performance of certain legislative services, is highly reprehensible, and that the said John Wilson be brought before the bar of this house to be reprimanded by the speaker.

On motion of Mr. Engle,

The said resolution was amended by striking out the word "offering," in the first line, and inserting "giving," in lieu thereof, and by inserting after the word "bribe," in the same line, the words "according to his own statement on oath."

Mr. Chance then called for the previous question, and the yeas and nays being called for, were as follow :

Yeas :—Messrs. Childs, Chance, Cox, Jenkins, M'Knight, Nowlin, Parkinson, Reynolds, and Leffler, speaker—9.

Nays :—Messrs. Blair, Box, Boyls, Brunson, Brunet, Cornwall, Engle, M'Williams, Quigley, Sheldon, Smith, Shanléy, Sholes, Teas, and Wheeler—15.

So the house refused to put the main question.

On motion of Mr. Engle,

Resolved, That the order of debate in case of the charges against John Wilson be as follows :

The counsel for the accused shall be heard first :

After the counsel for the accused have finished, any member may reply.

Mr. Grimes was heard for some time in behalf of Mr. Wilson, when

The house adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

Mr. Engle presented the petition of inhabitants of Dubuque concerning the Miners' Bank of Dubuque.

Also, an affidavit and sundry documents on the same subject. Referred to the following select committee, viz:

Messrs. Engle, Quigley, and Nowlin.

The house then resumed the consideration of the resolution relative to the conduct of John Wilson, in giving a bribe to a member of this house.

Mr. Starr concluded the defence of Mr. Wilson.

Pending the question on the adoption of the resolution, the secretary of the Council was introduced, and delivered the following message:

"Mr. Speaker,—The Council have concurred in a bill, No. 78 of this house, entitled "A bill concerning costs and fees," with amendments;

"In which amendments I am directed to ask the concurrence of this house.

"The Council have also concurred in the several amendments made by this house to bill

"No. 42, entitled 'A bill to incorporate the Marquette and Kentucky City Canal Company.'

"The Council have passed a resolution requiring the secretary of the territory to deliver the number of copies of the pamphlet laws therein mentioned to the several clerks of the boards of county commissioners within this territory,"

"In which resolution I am directed to ask the concurrence of this house:—"

And then he withdrew.

The house resumed the consideration of the resolution concerning Mr. Wilson, and while Mr. Quigley was speaking,

Mr. Starr, counsel for Mr. Wilson, pronounced a statement made by Mr. Quigley to be false; whereupon it was

Ordered, that the sergeant-at-arms do arrest W. Henry Starr, and take him into custody to answer for a contempt.

The order of the house having been executed by the sergeant-at-arms,

Mr. Quigley concluded his remarks.

Mr. Teas called for the previous question.

And the main question was unanimously ordered to be put.

A call of the house was then ordered, and absent members sent for.

The absent members having appeared,

Mr. M'Williams moved that the vote ordering the main question to be put, be reconsidered ;

Which motion was decided in the affirmative.

Mr. Teas then withdrew his motion, calling for the previous question.

Mr. Childs then moved to reject the resolution, and the previous question being again called,

The main question was ordered to be put.

The yeas and nays being called for on the main question, were as follow :

Yeas :—Messrs. Blair, Box, Boyls, Brunet, Childs, Cornwall, Chance, Cox, Jenkins, M'Knight, Nowlin, Parkinson, Reynolds, Smith, Shanley, Teas, and Leffler, speaker—17.

Nays :—Messrs. Brunson, Engle, M'Williams, Quigley, Sheldon, Sholes, and Wheeler—7.

So the resolution was rejected.

On motion of Mr. Sholes,

The following resolution offered by Mr. Engle, was taken up :

Resolved, That the further consideration of the charges, preferred by John Wilson against Alexander W. M'Gregor, Esq., a member of this house, be postponed until the first day of the next session of the legislative assembly (being an extra session) in consequence of the absence of Wm. H. Eades, an important witness, as is alleged, on the part of the accused.

The yeas and nays were called for on the adoption of the resolution.

Mr. Childs was excused from voting.

The yeas and nays were as follow :

Yeas :—Messrs. Blair, Boyls, Brunson, Brunet, Cornwall, Cox, Engle, M'Knight, M'Williams, Nowlin, Parkinson, Quigley, Reynolds, Sheldon, Smith, Shanley, Sholes, Teas, Wheeler, and Leffler, speaker—20.

Nays:—Messrs. Box, Chance, and Jenkins—3.

So the resolution was adopted.

On motion of Mr. Childs,

Mr. Starr, who was in custody, had leave to explain; whereupon,

Mr. Starr stated that he did not intend to insult the dignity of this house; that in an unguarded moment, he pronounced a statement made by the Hon. member from Dubuque to be false, which he then believed to be so, but he now admitted that he was imprudent, and hoped this explanation would be satisfactory to the house.

Mr. Nowlin offered the following resolution:

Resolved, That W. Henry Starr be discharged from the custody of the sergeant-at-arms.

Mr. Engle offered the following as a substitute to the resolution:

Resolved, That the conduct of W. Henry Starr, Esq., in interrupting a member in debate, and pronouncing what he said to be "false," was a gross contempt and disrespect to this house, and that he be brought before the bar of this house, and be imprisoned for twenty-four hours, and fined one hundred dollars.

The yeas and nays were called on the adoption of the substitute.

Messrs. Sholes and Teas were excused from voting.

The yeas and nays were as follow:

Yeas:—Messrs. Brunson, Quigley, Sheldon, Wheeler, and Engle—5.

Nays:—Messrs. Blair, Box, Boyls, Brunet, Childs, Cornwall, Chance, Cox, Jenkins, M'Knight, M'Williams, Nowlin, Parkinson, Reynolds, Smith, Shanley, Teas, and Leffler, speaker—17.

So the substitute was lost.

Mr. Parkinson called for the previous question, and the main question was ordered to be put.

The main question being put, was decided in the affirmative; whereupon,

Mr. Starr was discharged.

The house adjourned.

Wednesday, January 17, 1838.

Mr. Quigley presented the following communication:

“ House of Representatives, W. T., }
“ Burlington, Jan. 17th, 1838. } ”

“ To ISAAC LEFFLER, speaker of the H. of Rep's.:

“ Sir,—On yesterday afternoon, the house, in my opinion, refused to assert its own dignity by permitting a person, not a member, to interrupt a member in debate, and to pronounce in an insolent and boisterous tone, that what he said was ‘false.’ I cannot longer, with respect due to myself, retain my seat as a member of this body, under these circumstances, and I therefore do now resign my seat, and request that you will communicate the same to the House of Representatives, over which you preside.

“ PATRICK QUIGLEY.”

A message was received from the executive, informing the house that he had examined and approved “ An act for the partition of the half breed lands, and for other purposes.”

Mr. Cox presented the petition of several justices of the peace of Grant county, praying for the passage of a law to legalize their acts.

Mr. Cox, by leave, introduced bills, No. 147, entitled “ A bill to legalize the proceedings of justices of the peace of Grant county,” and 148, entitled “ A bill to legalize the acts of the supervisors of Grant county; ”

Which were severally read the first and second times, and laid on the table.

Mr. Engle presented the statement of John Plumb, jr., T. S. Wilson, and others, relative to the Miners' bank of Dubuque.

Referred to the same committee to which sundry documents relative to said bank had been referred; Mr. Wheeler having been added to said committee, in place of Mr. Quigley, resigned.

Mr. Parkinson offered the following preamble and resolution:

Whereas, by the law detaching the county of Grant from the county of Iowa and organizing the same, no provision was made to require said county to pay their proportionate amount of the debts due and owing by the county of Iowa, at that time. Therefore, be it

Resolved, By the Council and House of Representatives, That the commissioners of the county of Iowa and the commissioners of the county of Grant, be and are hereby required to furnish to the treasurer of the county of Grant, a statement of the proportionate amount so due and owing by said county, and that said treasurer of said county of Grant is hereby directed to pay over such amount to the treasurer of Iowa county; which was read the first time.

Mr. Cox moved to lay the resolution on the table, and on this question the yeas and nays being called for, were as follow:

Yeas:—Messrs. Box, Childs, Chance, Cox, Nowlin, Reynolds, Sheldon, Shanley, and Wheeler—9.

Nays:—Messrs. Blair, Boyls, Brunet, Cornwall, Jenkins, M'Knight, M'Williams, Parkinson, Smith, Sholes, Teas, and Leffler, speaker—12.

So the house refused to lay the resolution on the table.

The hour for morning business being past, bills on the table, of the following numbers and titles, were taken up:

No. 120, "A bill to provide for holding elections in the several counties in the territory of Wisconsin."

No. 140, "A bill to establish the territorial roads herein described."

No. 141, "A bill concerning the publication of advertisements."

No. 142, "A bill to authorize evidence by the oath of the parties."

No. 143, "A bill to establish ferries across the Mississippi river, opposite the town of Burlington, in Des Moines county."

No. 144, "A bill to authorize the county commissioners of Iowa county to levy a poll tax to build bridges."

No. 145, "A bill to authorize the appointment of public administrators in the several counties in this territory, and for other purposes;" and

No. 146, "A bill supplementary to an act entitled 'An act to regulate the mode of petitioning the legislative assembly in certain cases;'" and,

On motion of Mr. Sheldon,

The house resolved itself into a committee of the whole on said bill; Mr. Sholes in the chair.

After some time the committee rose, and by their chairman reported said bill without amendment.

Bills Nos. 140, 141, 142, 143, 145, and 146 were severally ordered to be engrossed for the third reading.

The 16th rule was then suspended with reference to bills Nos. 143, 141, 145, and 146, which were severally read the third time, passed, and the titles thereof agreed to.

Ordered, to be sent to the Council for concurrence.

The house suspended the rule requiring all bills to be engrossed with reference to bill No. 140, which was read the third time, and,

On the question "Shall the bill pass?" the yeas and nays being called for, were as follow:

Yeas:—Messrs. Blair, Boyls, Brunson, Brunet, Childs, Cornwall, Chance, Engle, Sheldon, Sholes, Wheeler, and Leffler, speaker—12.

Nays:—Messrs. Box, Cox, Jenkins, McKnight, Parkinson, Smith, Shanley, and Teas—8.

So the bill passed, and the title thereof was agreed to.

Ordered to be sent to the Council for concurrence.

Mr. Smith moved that bill No. 144 be indefinitely postponed.

The yeas and nays being called for, were as follow:

Yeas:—Messrs. Blair, Box, Cornwall, Chance, Cox, Engle, Jenkins, Nowlin, Sheldon, Smith, Shanley, Sholes, Teas, Wheeler, and Leffler, speaker—15.

Nays:—Messrs. Boyls, Brunet, Childs, McKnight, and Parkinson—5.

So the bill was indefinitely postponed.

Mr. Teas moved that bill No. 133, entitled "A bill to incorporate the Racine and Rock River Rail Road Company," be indefinitely postponed.

On this question the yeas and nays being called for, were as follow :

Yeas:—Messrs. Box, Reynolds, and Teas,—3.

Nays:—Messrs. Blair, Boyls, Brünson, Brunet, Childs, Cornwall, Chance, Cox, Engle, Jenkins, Parkinson, Sheldon, Smith, Shanley, Sholes, Wheeler, and Leffler, speaker—17.

The house then resolved itself into committee of the whole on said bill; Mr. Teas in the chair.

After some time the committee rose, and reported the same without amendment.

The bill was then ordered to be engrossed for a third reading.

The 16th rule was then suspended with reference to said bill, and it was then read the third time, passed, and the title agreed to.

Ordered, that the Council be requested to concur in the said bill.

Mr. M^cWilliams, from the committee on enrolments, reported the following acts to be correctly enrolled, viz :

“An act to incorporate the state bank of Wisconsin at Prairie du Chien.”

“An act relating to the militia and public defence of the territory of Wisconsin.”

“An act to authorize the town of Milwaukee, on the west side of the river, to borrow money;” and

“An act to incorporate the borough of Green Bay.”

Said acts were then presented to, signed by the speaker, and Ordered to be transmitted to the president of the Council for his signature.

The following message was received from the Council by the secretary thereof:

“Mr. Speaker,—The Council have concurred in bills of this house of the following titles, viz:

“No. 51, ‘A bill to incorporate the Davenport Manual Labour College.’”

“No. 110, ‘A bill to establish the Philandrian college, in the town of Denmark, Des Moines county.’”

"No. 116, 'A bill to incorporate the several seminaries herein named.'

"No. 127, 'A bill to incorporate the Iowa Mutual Fire Insurance Company.' Also, in bills of this house, as follow:

"No. 13, 'A bill to incorporate the stockholders of the Rochester and Des Moines Hydraulic and Manufacturing Company.'

"No. 40, 'A bill to enlarge the county of Crawford.'

"No. 54, a bill to authorize the board of county commissioners of the county of Jackson, to build a bridge and levy a tax to pay for the same.'

"No. 130, 'A bill to provide for the sale of land on which the seat of justice of Henry county is located,' with amendments thereto:

"In which amendments the concurrence of this house is requested.

"The Council have rejected bills of the House of Representatives, viz:

"No. 119, 'A bill to establish the several ferries herein named;' and

"No. 128, 'A bill to lay out and establish the several territorial roads herein named.'

"The governor has notified the Council, that he did on yesterday approve the following acts, resolution, and memorial, viz:

" 'An act to establish and regulate ferries in the county of Milwaukee, and the counties attached thereto for judicial purposes.'

" 'An act to change the corporate powers of the village of Milwaukee.'

" 'Resolution relative to printing the laws in pamphlet form.'

" 'Memorial to Congress for a donation of 'inundated lands in Illinois:' "

And then he withdrew.

Bill No. 78, entitled "A bill concerning costs and fees."

Bill No. 22, entitled "A bill to prevent gambling."

Bill No. 99, entitled, "A bill to establish a university at the City of the Four Lakes, in the vicinity of Madison;" and

No. 13, "A bill to incorporate the stockholders of the Rochester and Des Moines Hydraulic and Manufacturing Company," were taken up, and the amendments made by the Council to said bills, were severally agreed to.

Ordered, that the Council be informed.

Mr. Cox, from the select committee to which bill No. 104 was referred, reported the bill back to the house without amendment.

The bill was laid on the table.

The house adjourned till 2 o'clock; P. M.

2 O'CLOCK, P. M.

On motion of Mr. Engle, it was unanimously

Resolved, That this house regret that any circumstances should have occurred on the floor of this house, to have occasioned the resignation of Patrick Quigley, Esq., one of its most useful members, believing as we do, that his course as a member was honest and independent, and that, by his resignation, the people have lost a sagacious, industrious, and faithful public agent.

On motion of Mr. Parkinson,

Resolved, That John Catlin, chief clerk of this house, be allowed the sum of six dollars per day for the faithful performance of his arduous duties during the present session.

Resolved, That Edward Johnson, one of the transcribing clerks, be allowed the sum of four dollars and fifty cents per day, for his services during the present session.

Resolved, That the committee on expenses be instructed to make up the accounts of the expenses of the present session up to the 20th of January.

Mr. McKnight offered the following resolution:

Resolved, That this house adjourn on Friday the 19th inst., as that completes the time authorized by the organic law, for the sitting of the legislature of the territory of Wisconsin.

Mr. Sholes offered the following as a substitute, which was adopted:

Resolved By the Council and house of Representatives of the

territory of Wisconsin, That the legislative assembly adjourn on Saturday next, the 20th inst., to meet again on the 2nd Monday of June next.

Mr. Jenkins offered the following resolution:

Resolved, That Joseph T. Fales, assistant door keeper, be allowed the sum of four dollars per day, for his services as such, and for other services.

Mr. M'Williams moved to lay the resolution on the table.

The motion was lost.

Mr. Cox offered the following as a substitute, which was accepted.

Resolved, That Joseph T. Fales be allowed an extra compensation of seventy-five dollars for services performed, not included within the sphere of his duties.

Mr. Sheldon offered the following substitute, which was decided in the negative.

Resolved, That the committee on expenses be instructed to ascertain what sum or sums of money are still in the hands of the secretary of the territory, and that they be required to apportion the same out to the officers of this house.

The question then recurred on the subject of Mr. Cox, and the yeas and nays being called for, were as follow:

Yeas:—Messrs. Box, Engle, Brunson, Brunet, Childs, Cornwall, Chance, Cox, Jenkins, M'Knight, Nowlin, Parkinson, Shanley, Sholes, Wheeler, and Leffler, speaker—16.

Nays:—Messrs. Blair, M'Williams, Reynolds, Sheldon, Smith, and Teas—6.

So the substitute was adopted.

Mr. Engle offered the following resolution:

Resolved, That Tandy K. Brown, assistant clerk, be allowed the sum of four dollars per diem, for his services during the present session of the legislative assembly.

Mr. M'Williams moved to amend the resolution by striking out "four," and inserting "three."

Yeas:—Messrs. Blair, Box, Boyls, Brunson, M'Williams, Reynolds, Sheldon, Smith, and Teas—9.

Nays:—Messrs. Brunet, Childs, Cornwall, Chance, Engle,

Cox, Jenkins, M'Knight, Nowlin, Parkinson, Shanley, Sholes, Wheeler, and Leffler, speaker—14.

So the amendment was rejected.

The question then recurred on the resolution, which was adopted.

Mr. Shanley offered the following resolution:

Resolved, That A. H. Posey and Philip S. Dade, transcribing clerks of this house, be allowed the sum of four dollars per day, for their services during the present session of the legislative assembly.

Mr. Chance moved to strike out "four," and insert "three."

On this question, the yeas and nays were called for, and were as follow :

Yeas:—Messrs. Blair, Box, Brunson, Brunet, Childs, Cornwall, Chance, Engle, M'Williams, Nowlin, Parkinson, Sheldon, Smith, Sholes, and Wheeler—15.

Nays:—Messrs. Boyls, Cox, Jenkins, M'Knight, Reynolds, Shanley, Teas, and Leffler, speaker—8.

So the amendment was agreed to.

The question then recurred on the resolution as amended, which was adopted.

Mr. Teas offered the following resolution:

Resolved, That the sergeant-at-arms, door-keeper, assistant door-keeper, messenger, and assistant messenger to this house, be allowed four dollars per day each.

Mr. Childs moved to amend by striking out "four," and inserting "three."

On this question the yeas and nays being called for, were as follow :

Yeas:—Messrs. Blair, Box, Boyls, Brunson, Brunet, Childs, Cornwall, Chance, Cox, Engle, M'Williams, Parkinson, Sheldon, Smith, Sholes, and Leffler, speaker—16.

Nays:—Messrs. Jenkins, M'Knight, Reynolds, Shanley, and Teas—5.

So the amendment was agreed to.

The resolution as amended was then adopted.

The resolution offered by Mr. Parkinson, requiring the county

of Grant to pay certain moneys into the treasury of Iowa county, was taken up, read the second time, and laid on the table.

Bill No. 137, entitled "A bill to amend an act entitled 'An act to establish the seat of government of the territory of Wisconsin,'" was taken up.

The house resolved itself into a committee of the whole on said bill; Mr. Cornwall in the chair.

After some time the committee rose, and by their chairman reported said bill with an amendment. The amendment was agreed to.

Mr. Chance moved to amend by striking out "Mineral Point, in Iowa county," and inserting "Burlington, in Des Moines county."

The question was severed, and the yeas and nays were taken on striking out "Mineral Point," &c.

They were as follow:

Yeas:—Messrs. Blair, Box, Childs, Cornwall, Chance, Engle, Jenkins, M'Williams, Reynolds, Sheldon, Teas, Wheeler, and Leffler, speaker—13.

Nays:—Messrs. Brunson, Brunet, Cox, M'Knight, Nowlin, Parkinson, Smith, Shanley, and Sholes—9.

So the motion to strike out prevailed.

The question then being taken on filling the blank with "Burlington,"

Mr. Nowlin moved to amend by inserting "Dubuque."

The yeas and nays being called for, were as follow:

Yeas:—Messrs. Box, Jenkins, Nowlin, Smith, Shanley—5.

Nays:—Messrs. Blair, Brunson, Brunet, Childs, Cornwall, Chance, Cox, Engle, M'Knight, M'Williams, Parkinson, Reynolds, Sheldon, Sholes, Teas, Wheeler, and Leffler, speaker—17.

Mr. Cox moved to insert "Cassville."

The yeas and nays being called for, were as follow:

Yeas:—Messrs. Brunson, Cox, Nowlin, Sheldon, Smith, and Shanley—6.

Nays:—Messrs. Blair, Box, Brunet, Childs, Cornwall, Chance,

Engle, Jenkins, M'Knight, M'Williams, Parkinson, Reynolds, Sholes, Teas, Wheeler, and Leffler, speaker—16.

Mr. Brunson moved to insert "Prairie du Chien."

The yeas and nays being called for, were as follow:

Yeas:—Messrs. Brunson, Brunet, Childs, Cox, Sheldon, Smith, and Shanley—7.

Nays:—Messrs. Blair, Box, Cornwall, Chance, Engle, Jenkins, M'Knight, M'Williams, Nowlin, Parkinson, Reynolds, Sholes, Teas, Wheeler, and Leffler, speaker—15.

Mr. M'Knight moved to insert "Plattville," and the yeas and nays being called for, were as follow:

Yeas:—Messrs. Brunson, Cox, M'Knight, Smith, and Shanley—5.

Nays:—Messrs. Blair, Box, Boyls, Brunet, Childs, Cornwall, Chance, Engle, Jenkins, M'Williams, Nowlin, Parkinson, Reynolds, Sheldon, Sholes, Teas, Wheeler, and Leffler, speaker—18.

The main question was then put, and the yeas and nays being called for, were as follow:

Yeas:—Messrs. Blair, Box, Boyls, Brunson, Brunet, Childs, Cornwall, Chance, Cox, Engle, Jenkins, M'Knight, M'Williams, Nowlin, Parkinson, Reynolds, Sheldon, Shanley, Sholes, Teas, Wheeler, and Leffler, speaker—22.

Nay:—Mr. Smith.

So the blank was filled with "Burlington, in Des Moines county."

On motion of Mr. Engle,

The bill was indefinitely postponed.

Bills Nos. 147, entitled "A bill to legalize the proceedings of justices of the peace in Grant county; and

148, entitled "A bill to legalize the acts of the supervisors of Grant county, were taken up.

On motion of Mr. Shanley,

The house resolved itself into the committee of the whole on said bills, Mr. Cox in the chair.

After some time the committee rose, and by their chairman reported said bills with amendments.

The bills were then ordered to be engrossed for the third reading.

The 16th rule was then suspended with reference to said bills, which were severally read the third time, passed, and the titles thereof agreed to.

Ordered to be sent to the Council for concurrence.

The secretary of the Council, being introduced, delivered the following message: "The Council have passed bill No. 58, entitled 'A bill relating to strays:'

"In which the concurrence of this house is requested.

"The Council have concurred in bills of this house of the following titles, viz:

"No. 122, 'A bill to provide for a territorial revenue:'

"No. 125, 'A bill to incorporate the town of Fort Madison, in Lee county.' Also, in bills of this house with amendments:

"No. 62, 'A bill for an act to amend an act entitled 'An act to establish the judicial districts of the territory of Wisconsin, and for other purposes, and to regulate the time of holding courts in the several counties of this territory:'"

"No. 131, 'A bill to prevent trespass and other injuries being done to the possessions of settlers on the public domain, and to define the extent of the right of possession on the said lands:'

"No. 10, 'A bill respecting constables:'

"No. 114, 'A bill to incorporate the city of Burlington;' in which amendments the house is requested to concur."

And then he withdrew.

On motion of Mr. Sholes,

The report of the select committee, appointed to select such laws of Michigan as might be thought proper to be printed with the pamphlet laws passed at the present session, was taken up and considered.

No. 93, entitled, "An act providing for the recording of town plats; was stricken from the said report."

The said report was then adopted:

Ordered, that the Council be requested to concur in the said report.

Mr. M'Williams reported the following acts to be correctly enrolled, viz:

"An act to organize the county of Walworth and to establish the seat of justice thereof:"

"An act to authorize Jean Brunet to keep a ferry across the Wisconsin river:"

"An act to establish the boundaries of the counties of Lee, Van Buren, Des Moines, Henry, Louisa, Muscatine, and Slaughter, and for other purposes:"

"An act to regulate and define the duties of the county officers in this territory;" and

"An act to establish a ferry across the Mississippi and Grant rivers."

Said acts were then presented to, signed by the speaker, and Ordered to be transmitted to the president of the Council for his signature.

The house then proceeded to consider the following resolution from the Council:

"Resolved, By the Council and House of Representatives of the territory of Wisconsin, That the report of the commissioners appointed to agree upon a plan of the public buildings, and to superintend the execution of the same at Madison, dated Mineral Point, Nov. 29th, 1837, be approved.

"That the said commissioners be required to advertise for proposals, and contract for the completion of the said buildings on the plan submitted, agreeably to the provisions of an act entitled 'An act to establish the seat of government of the territory of Wisconsin, and to provide for the erection of public buildings;' approved December 3, 1836, and that the treasurer of said board of commissioners be required to pay Augustus A. Bird, acting commissioner, five hundred dollars out of the money in hand, in part pay for his services rendered: Provided, That nothing herein contained shall go to excuse the commissioners for any misconduct, or for acting contrary to the provisions of the act above recited."

The main question being put, "Shall the resolution be adopted?"

The yeas and nays being called for, were as follow:

Yeas:—Messrs. Blair, Boyls, Brunson, Childs, Cornwall, Cox, M'Knight, M'Williams, Parkinson, Sheldon, Smith, Shanley, Sholes, Teas, and Leffler, speaker—15,

Nays:—Messrs. Box, Brunet, Chance, Jenkins, and Nowlin—5.

So the resolution was adopted.

Ordered, that the Council be informed.

Mr. Teas presented the account of D. Hendershot, for room rent, &c.

Referred to the committee on expenses.

Mr. Cox presented the accounts of Webber & Remey, and of the postmaster at Burlington. Referred to the committee on expenses.

Mr. Nowlin, from the select committee to which was referred various petitions, affidavits, and statements from citizens of Dubuque county, concerning the situation of the Miners' Bank of Dubuque, submitted the following report and resolution:

"That they regret that time is not afforded them to give the subject the full consideration which its importance demands; they have, however, examined the documents submitted to them, and they are thereby enabled to form some judgment concerning the proper course to be pursued.

"There is a petition of a large number of respectable citizens of Dubuque, asking the legislative assembly to annul the charter of that bank under the powers reserved in the original act of incorporation, for alleged gross violations of its provisions by the directors. Appended to this petition is an affidavit of one of the directors and of a director who has just resigned, giving the actual condition of the bank on the 1st, 2d, and 3d of January, inst. This statement is not very full or explicit, but so far as it goes it makes the astounding revelations that the greater part of the first instalment was taken with money loaned from the branch bank at Galena, which was paid back immediately, as soon as the stock was all taken; that of the \$80,000 required to be paid on the second instalment, only \$4300 was actually paid in; and that an individual deposit in the bank remains unpaid, after having been more than once demanded; and that the amount of specie on hand is only \$1830.

"There is appended also to the same petition an affidavit of Warner Lewis, Esq., that G. D. Dillon, former cashier of the bank, had stated to him that the former exhibit made by him to a committee of this body under oath, was false.

If these matters were either uncontradicted or satisfactorily proved, there can be no doubt of the power of the legislative assembly, in a summary manner, to repeal, make void, and vacate the whole charter. In the present case, however, there is before the committee a statement of five respectable citizens of Dubuque, not connected, it is believed, with the bank, who were called to examine its affairs, and who report that the funds on hand include \$50,000 in notes of various banks of Michigan and other states, certificates of deposit for \$40,000 in specie, in the city of Detroit, with specie actually on hand, more than sufficient to meet all their notes out, payable on demand.

"The affidavit of Wm. W. Corriell, one of the directors of the bank, referred to the committee, contain statements similar in purport, and, if believed, would render it improper for the legislative assembly to act in the summary manner prayed for by the petitioners. The limited time afforded to this committee would render it impossible for them to make the necessary investigation of the facts, to enable the house to act understandingly upon the question of a total repeal of the charter.

"The committee, therefore, recommend the adoption of the following, as a joint resolution :

"Resolved, by the Council and House of Representatives of Wisconsin territory, That a joint committee of two from each house be appointed, to investigate the affairs and condition of the Miners' Bank of Dubuque; that said committee have power after the adjournment to visit the bank in person, examine its books and papers, count the money in its vaults, and to examine whether the said bank has complied with the provisions of its charter or not; and that they have power to issue subpoenas and attachments to compel the attendance of witnesses to testify on the subject submitted to them by this resolution; and that said committee report at the extra session of the legislative assembly, in June next."

The report and resolution were adopted, and

Messrs. Engle and Cox were appointed the committee on the part of the house.

Ordered, that the clerk inform the Council thereof, and request their concurrence.

The house adjourned.

Thursday, January 18, 1838.

A message was received from the executive informing the house that he had examined and approved the following, viz:

“An act to incorporate the borough of Green Bay.”

“An act to authorize the town of Milwaukee, on the west side of the river, to borrow money.”

“An act to establish a ferry across the Mississippi and Grant rivers; ‘An act to regulate and define the duties of the county officers in this territory.’”

“An act to organize the county of Walworth, and to establish the seat of justice thereof.”

“An act to authorize Jean Brunet to establish and keep a ferry across the Wisconsin river.”

“An act to incorporate the stockholders of the State Bank of Wisconsin, at Prairie du Chien.”

“An act to provide for the appointing of justices, to prescribe their powers and duties, and to regulate their proceedings.”

“An act relating to the militia and public defence of the territory of Wisconsin.”

“An act to establish the boundaries of the counties of Lee, Van Buren, Des Moines, Henry, Louisa, Muscatine, and Slaughter; to locate the seats of justice in said counties, and for other purposes.”

On motion of Mr. Childs,

Resolved, That Louis Gonieau be allowed the sum of three dollars per day, for his services as fireman for the present session, and that James H. Jones be allowed the sum of three dollars per day, for his services as fireman.

Resolved, That W. N. Seymour be allowed the sum of three dollars per day, for his services as assistant sergeant-at-arms, from the time of his appointment until the close of the present session.

Mr. Sheldon offered a resolution requiring the secretary of the territory to have 1000 copies of the militia act, passed at this session, printed, distributed, &c.

On motion of Mr. McKnight, '1000' was stricken out, and '1500' inserted.

The resolution was read the first and second times, and was then ordered to be engrossed for a third reading.

The resolution was then read the third time, passed, and ordered to be sent to the Council for concurrence.

Mr. Brunson, from the committee on engrossed bills, reported bill No. 142, entitled "A bill to authorize evidence by the oath of the parties," to be correctly engrossed.

The bill was then read the third time, and on the question, "Shall the bill pass?"

The yeas and nays being called for, were as follow:

Yeas:—Messrs. Blair, Box, Boyls, Brunson, Cox, Jenkins, Parkinson, Reynolds, and Teas—9.

Nays:—Messrs. Brunet, Childs, Chance, Engle, M'Williams, Sheldon, Sholes, and Leffler, speaker—8.

So the bill passed, and the title thereof was agreed to.

Ordered to be sent to the Council for concurrence.

The following communication was received from the Council by their secretary:

"Mr. Speaker,—The Council have passed the following, viz:

"Bill No. 54, entitled 'A bill regulating probate courts, &c.,' and a resolution relative to printing the laws in the several newspapers in the territory;

"And request the concurrence of this house therein.

"The Council have indefinitely postponed bills of the House of Representatives, viz:

"No. 140, 'A bill to establish the territorial roads herein described.'

"No. 141, 'A bill concerning the publication of advertisements.'

"No. 106, 'A bill to regulate mills and millers.'

"And have concurred in bills of the house, viz:

"No. 88, 'A bill to prevent disasters on steamboats navigating the waters within the territory of Wisconsin.'

"No. 133, 'A bill to incorporate the Racine and Rock River Rail Road Company.'

"No. 145, 'A bill to authorize the appointment of public administrators in the several counties of this territory.'

"No. 146, 'A bill supplementary to an act entitled 'An act to regulate the mode of petitioning the legislative assembly in certain cases.'"

"Also, in resolutions of this house as follow :

"Resolution reported by joint committee appointed to select from the statutes of Michigan now in force in this territory such laws as they may deem necessary, and printed as an appendix to the pamphlet laws of the present session; and

"Resolution appointing a joint committee to examine into the state and condition of the Miners' Bank of Dubuque.

"Messrs. Vineyard and M^cKnight were appointed the committee on the part of the Council."

And then he withdrew.

Mr. M^cWilliams, from the committee on enrolments, reported the following acts to be correctly enrolled, viz :

"An act to prevent and punish gambling."

"An act providing for and regulating general elections in this territory."

"An act for assessing and collecting county revenue."

"An act to incorporate the Marquette and Kentucky City Canal Company."

"An act to provide for the recording of town plats."

"An act to legalize and make valid the records of deeds and other conveyances in the county of Brown."

"An act to regulate ferries."

"An act to establish a ferry across the Mississippi river in this territory."

"An act to authorize Levi Moffit to keep a ferry across Skunk river, at Moffit's mills.

Said acts were then presented to, signed by the speaker, and Ordered to be transmitted to the president of the Council for his signature.

Mr. Cox, from the committee on expenses, reported

Bill No. 147, entitled "An act to provide for the compensation of the legislative assembly, and for other purposes;"

Which was read the first time, and laid on the table.

Mr. Cox presented the account of John Wilson for expenses incurred in the prosecution of Alexander W. McGregor, a member of this house.

Laid on the table.

The amendments made by the Council to bills

No. 62, entitled "A bill to amend an act entitled 'An act to establish the judicial districts of the territory of Wisconsin, and for other purposes, and to regulate the time of holding courts in the several counties of this territory,'" and

No. 54, entitled "A bill to authorize the board of county commissioners of Jackson county to build a bridge across Mill creek, and to levy a tax to pay for the same," were severally disagreed to.

Ordered, that the Council be informed.

The amendments made by the Council to bills

No. 130, entitled "A bill to provide for the sale of land on which the seat of justice of Henry county is located."

No. 131, entitled "A bill to prevent trespass and other injuries being done to the possessions of settlers on the public domain, and to define the extent of the right of possession on the said lands."

No. 114, entitled "A bill to be entitled an act to incorporate the city of Burlington," and

No. 143, entitled "A bill to establish ferries across the Mississippi river, opposite the town of Burlington, in Des Moines county," were severally concurred in.

Ordered, that the Council be informed.

The second amendment made by the Council to bill No. 40, entitled "A bill to enlarge Crawford County," was concurred in, and the first and third amendments were disagreed to.

Ordered, that the Council be informed.

The house insisted upon all the amendments made to Bill No. 43, Council file, entitled "A bill to license and regulate taverns," and to which the Council had disagreed.

Ordered, that the Council be informed.

Bill No. 10, entitled "A bill respecting constables," together with the amendments made to the same by the Council, were referred to a select committee, consisting of Messrs. Engle, M'Williams, and Chance.

The amendment of the Council to the amendments of the house to

Bill No. 65, Council file, entitled "A bill to amend an act entitled 'An act concerning the supreme and district courts, and defining their jurisdiction,'" was amended by the house by striking out "five months," and inserting "ninety days."

Ordered, that the Council be informed.

Resolution of the Council requiring the secretary of the territory to cause a certain number of copies of the pamphlet laws passed at this session to be distributed through the different counties of this territory, was read the first and second times.

The resolution was amended by striking out, in Des Moines county, "60," and inserting "120;" by striking out, in Brown, "75," and inserting "100;" by striking out, in Lee, "40," and inserting "60;" by striking out in Van Buren, "40," and inserting "60;" by striking out, in Iowa, "100," and inserting "150;" by striking out, in Green, "75," and inserting "40."

The resolution was then ordered to be engrossed for a third reading.

Said resolution was then read a third time and passed.

Ordered, that the Council be requested to concur in the amendments.

A resolution from the Council relative to the order of the publication of the laws, passed at the present session, was taken up and read the first and second times.

The resolution was amended and ordered to be engrossed for a third reading.

The resolution was then read a third time and passed.

Ordered, that the Council be informed.

The speaker laid before the house the following report of the librarian of the territory, which was laid on the table:

"BURLINGTON, January 18, 1838.

"Isaac Leffler, Esq., speaker, H. R.:

"Sir,—The rules adopted by the legislature for the regulation of the library, require that the librarian shall, at the close

of the session, report to the respective houses of the legislature a true account of all expenses incurred for rent of room, fuel, stationery, &c. In compliance with this resolution, I beg leave to submit the following:

"At the time my last report was made, (the commencement of the session,) a balance was due the librarian of \$25 29 cts., for expenses actually incurred. Since that time, the expenses have been as follow:

"Rent of room till 1st of April next, (6 months,)	\$75 00
"One stove and pipe, - - - - -	15 00
"Shovel and tongs, - - - - -	1 75
"Blank book, broom, inkstand, &c. - - - - -	1 62½
"Postage on three Nos. law library, - - - - -	75
"Sheet-iron for stove and floor, - - - - -	3 00
"Fixing lock on door, - - - - -	3 00
"Mattress, &c., &c., - - - - -	1 75
	\$101 87½
"Add amount due librarian, as above stated,	25 29
	\$127 16½

"The resolution above referred to, authorizes the librarian to employ an assistant. Mr. James W. Grimes was accordingly employed, who acted in that capacity from the 23d of November to the 15th of December, 1837, from which latter time up to the present, Mr. C. S. Jacobs has discharged those duties. As no specific sum is fixed upon for their pay, it will be for the legislature to say what shall be their allowance.

"Mr. A. Doolittle has presented to me a bill of \$65 for the shelving in the library room, but expresses a willingness to take whatever amount the legislature may deem it expedient to allow him.

"Very respectfully, your ob't servant,

"JAMES CLARKE, Librarian."

Bill No. 63, Council file, entitled "A bill to locate and establish the several roads therein named," was read the first and second times, and,

On motion of Mr. Cox, was indefinitely postponed.

Bill No. 62, Council file, entitled "A bill for the punishment of the crime of bribery," and

Bill No. 58, Council file, entitled "A bill relating to strays,"

Were severally read the first and second times, and,

On motion of Mr. Engle, the house went into committee of the whole on said bill; Mr. Sholes in the chair.

After some time the committee rose, and by their chairman reported

Bill No. 62, without amendment, and

Bill No. 58, with amendments.

The amendments made in committee were agreed to.

The bills were then ordered to be engrossed and read the third time.

The 16th rule was then suspended with reference to said bills, which were then read a third time, passed, and the titles thereof agreed to.

Ordered, that the Council be informed.

Bill No 54, Council file, entitled, "A bill regulating probate courts, &c.," was read the first and second times.

On motion of Mr. Sheldon,

The house resolved itself into a committee of the whole on said bill; Mr. M. Williams in the chair.

After some time, the committee rose, and by their chairman reported said bill without amendment.

On motion of Mr. Childs,

The said bill was indefinitely postponed.

The following message was received from the Council by the secretary thereof:

"Mr. Speaker,—The Council have concurred in bills of this house, viz:

"No. 21, entitled 'A bill for an act concerning judgments and executions,' and

"No. 142, 'A bill to authorize evidence by the oath of parties.'

"The Council have passed a resolution relative to re-printing the laws of last session, in which I am directed to ask the concurrence of this house.

"The Council have indefinitely postponed the following bills, viz:

“No. 56, ‘A bill to provide for electing county surveyors, and for other purposes;’

“No. 61, ‘A bill to provide for the payment of expenses in criminal cases.’

“The Council have concurred in bills from this house as follows, viz:

“No. 143, ‘A bill to establish ferries across the Mississippi river opposite the town of Burlington in Des Moines county; with amendments;’

No. 147, ‘A bill to legalize the acts of the supervisors of Grant county.’

“And a resolution respecting the printing fifteen hundred copies of the militia act.

“The Council have receded from their amendment to bill

“No. 62, entitled ‘An act to amend ‘An act to establish the judicial districts of the territory of Wisconsin, and for other purposes, and to regulate the times of holding courts in the several counties of this territory.’ ”

And then he withdrew.

The house adjourned till 3 o'clock P. M.

3 O'CLOCK, P. M.

On motion of Mr. Chance,

Resolved, That the hon. Isaac Leffler be allowed three dollars per day extra pay, for his services as speaker of this house during the present session.

The speaker laid before the house the following communication from the postmaster general:

“POST OFFICE DEPARTMENT,
“Contract Office, December 16, 1837, }

“Sir,—Your letter is received, enclosing a preamble and resolutions on the subject of the mails between Burlington and Dubuque, passed by the assembly of Wisconsin territory.

“In answer, I have to state that in consequence of the numerous complaints received at the department, of the great irregularity of the mails on that route, the accepted contractors on the new routes from Dubuque to Davenport to Burlington,

and Burlington to St. Francisville, were authorized and regulated on the 21st of November, to put those routes in operation *immediately*.

"Very respectfully your obedient servant,

"S. R. Hobbie, 1st assistant P. M. G.

"JOHN CATLIN, Esq., C. C. H. R., W. T."

Ordered, that the said communication do lie on the table.

On motion of Mr. Sheldon,

Ordered, that the chief clerk furnish to John Wilson, a certified copy of the note and receipt given by him to Alexander W. McGregor Esq., now in possession of this house.

On motion of Mr. Chance,

Resolved, That members absent on leave of the house, shall be allowed pay for the time which they are so absent.

Mr. Childs offered the following resolution :

Resolved, By the Council and House of Representatives, That J. B. Webber be, and he is hereby authorized to take charge and keep in good order all of the furniture and other effects now belonging to the Council and House of Representatives.

Said resolution was read the first and second times, and

Ordered to be engrossed for the third reading.

The resolution was then read the third time, and passed.

Ordered, that the council be requested to concur.

Mr. McWilliams, from the committee on enrolments, reported the following acts to be correctly enrolled, viz :

"An act to incorporate the trustees of the Iowa Mutual Fire Insurance Company."

"An act concerning grand and petit jurors."

"An act to incorporate the trustees of the Milwaukee Academy."

The speaker signed the said several acts.

Ordered, that the clerk present them to the president of the Council for his signature.

A resolution from the Council relative to printing the laws passed at the last session was taken up, read the first, second and third times, passed, and ordered that the Council be informed.

Mr. Sholes, by leave, introduced bill No. 148, "A bill supplementary to an act concerning costs and fees," which was read the first and second times.

The rule requiring all bills to be considered in committee of the whole on the second reading was suspended, and the bill was ordered to be engrossed for the third reading.

The 16th rule was then suspended in reference to said bill, and it was then read the third time, passed, and title agreed to.

Bill No. 10, entitled "A bill respecting constables," returned from the Council with amendments, was taken up, and considered. The house concurred in part, and amended part of the amendments.

Ordered, that the clerk request the Council to concur therein.

On motion of Mr. Cox,

The house took up the account of John Wilson, and allowed him \$120, being for expenses incurred in relation to the case of Alexander W. M'Gregor, Esq.

Mr. M'Williams, from the committee on enrolments, reported the following acts to be correctly enrolled, viz:

"An act for the punishment of the crime of bribery."

"An act to legalize the proceedings of justices of the peace."

"An act to establish ferries across the Mississippi river, opposite the town of Burlington in Des Moines county."

"An act to amend an act entitled 'An act to establish districts of the territory of Wisconsin, and for other purposes,' and to regulate the time of holding courts in this territory."

The speaker signed the said several acts.

Ordered, that the clerk present the said several acts to the president of the Council for his signature.

The house then adjourned till 7 o'clock, P. M.

7 O'CLOCK, P. M.

Bill No. 147, entitled "An act to provide for the compensation of the officers of the legislative assembly, and for other purposes," was taken up and read the second time.

On motion of Mr. Cox,

The house resolved itself into a committee of the whole on said bill, Mr. Sholes in the chair.

After some time the committee rose, and reported said bill with amendments.

The amendments were agreed to, and said bill was ordered to be engrossed for the third reading.

The 16th rule was then suspended in reference to said bill, which was read the third time, passed, and the title agreed to.

Ordered, that the clerk request the Council to concur in the said bill.

Mr. Box, by leave, introduced bill No. 149, entitled "A bill to establish the ferries herein named," which was read the first and second times.

The rule requiring all bills to be considered in committee of the whole on the second reading was suspended, and the bill was engrossed for the third reading.

The 16th rule was suspended, and the bill was read the third time, passed, and the title agreed to.

Ordered, that the clerk request the concurrence of the Council in the said bill.

The house concurred in the amendment made by the Council to bill No. 148, entitled "A bill supplementary to an act concerning costs and fees."

Ordered, that the Council be informed.

A message from the Council by the secretary:

"Mr. Speaker,—The Council have requested a committee of conference on the part of this house, in relation to the disagreeing votes of the two houses on the following bills, viz:

"No. 10, (H. R. file,) 'A bill respecting constables.'

"No. 43, (C. F.), 'A bill to license and regulate taverns.'

"No. 65, (C. F.), 'A bill to amend an act, entitled 'An act concerning the supreme and district courts, and defining their jurisdiction and powers.'

"And have appointed Messrs. Sweet and Arndt the committee on the part of the Council.

"The Council have concurred in bill No. 148 of this house, entitled

"'A bill supplementary to an act concerning costs and fees,' with amendments thereto.

"In which I am directed to ask the concurrence of this house.

"The Council have receded from all their amendments made to the following bills, which had been disagreed to by this house, viz:

"No. 40, 'A bill to enlarge the county of Crawford.'

"No. 54, 'A bill to authorize the board of county commissioners of the county of Jackson to build a bridge, and levy a tax to pay for the same.'"

And then he withdrew.

The house appointed Messrs. Cox and Chance a committee of conference on the part of the house to confer with a similar committee appointed by the Council in relation to the disagreeing votes of the two houses on bills Nos. 10, (H. R. file,) 43 and 65, (C. file.)

Ordered, that the clerk acquaint the Council thereof.

The house concurred in the amendment made by the Council to

Bill No. 48, entitled "A bill supplementary to an act concerning costs and fees."

And then the house adjourned.

Friday, January 19, 1838.

A message was received from the governor, informing the house that he had approved, on the 18th instant,

"An act to prevent and punish gambling," and on the 19th instant,

"An act to incorporate the trustees of the Milwaukee Academy," and

"An act to incorporate the Iowa Mutual Fire Insurance Company at Burlington."

Mr. M'Williams, from the committee on enrolments, reported the following acts and resolution to be correctly enrolled, viz:

"An act to incorporate the several seminaries herein named."

"An act to prevent trespasses and other injuries being done to the possession of settlers on the public domain, and to define the extent of the right of possession on the said land."

"An act to establish the University of the territory of Wisconsin."

"An act supplementary to an act, entitled 'An act to regulate the mode of petitioning the legislative assembly in certain cases.'"

"An act to provide for a territorial revenue."

"An act to incorporate the stockholders of the Rochester and Des Moines Hydraulic and Manufacturing Company."

"An act to establish the Philandrian College in the town of Denmark, Des Moines county."

"Resolution concerning the Miners' Bank of Dubuque."

The speaker signed the said acts, and they were then

Ordered to be presented to the president of the Council for his signature.

Mr. Cox, from the committee appointed to confer with a similar committee appointed by the Council in relation to the disagreement of the two houses concerning bill

No. 10, entitled "A bill respecting constables,"

No. 43, "A bill to license and regulate taverns," and

No. 65, "A bill to amend an act concerning the supreme and district courts, &c., made the following report:

The committee of conference, appointed on the part of this house, recommend that the amendments made by this house to the said several bills be adhered to.

The report was agreed to and the committee discharged.

Ordered, that the Council be informed.

Mr. Engle, by request, was excused from serving on the committee appointed to investigate the condition of the Miners' Bank of Dubuque, and Mr. Childs was appointed in his stead.

Ordered, that the council be informed.

Mr. Chance moved to reconsider the vote in relation to a

resolution requiring the county of Grant to pay to the county of Iowa certain moneys therein mentioned.

The yeas and nays being called for, were as follow:

Yeas:—Messrs. Boyls, Brunson, Brunet, M^cKnight, Parkinson, Smith, Sholes, Teas, and Leffler, speaker—9.

Nays:—Messrs. Blair, Box, Childs, Cornwall, Chance, Cox, Engle, Jenkins, and M^cWilliams—9.

So the motion to reconsider was lost.

The secretary of the Council was introduced, and delivered the following message:

“Mr. Speaker,—The Council have passed bill No. 66, entitled ‘A bill to provide for the compensation of the officers of the legislative assembly, and for other purposes;’

“In which I am directed to ask the concurrence of this house.

“The Council have concurred in the amendments made by this house to the following resolutions, viz:

“A resolution relative to the order of the publication of the laws passed at the present session; and

“A resolution requiring the secretary of the territory to cause a certain number of copies of the pamphlet laws to be distributed through the different counties of this territory;

“And, likewise, have adopted the report of the joint committee of conference in relation to the disagreeing votes of the two houses on the following bills, viz:

“No. 10, ‘A bill respecting constables.’

“No. 43, ‘A bill to license and regulate taverns.’

“No. 65, ‘A bill to amend an act entitled ‘An act concerning the supreme and district courts, and defining their jurisdiction and powers.’”

“The governor has notified the Council that he has examined and approved the following:

“‘An act to legalize and make valid the record of deeds and conveyances of the county of Brown.’

“‘An act to establish a ferry across the Mississippi river, in this territory.’

“‘An act to regulate ferries.’

“‘An act concerning grand and petit juries.’

“ ‘ An act providing for and regulating general elections in this territory.’

“ ‘ An act to incorporate the Marquette and Kentucky City Canal Company.’

“ ‘ An act to authorize Levi Moffit to keep a ferry across Skunk river, at Moffit’s mill.’

“ ‘ An act for assessing and collecting county revenue.’

“ ‘ An act providing for the recording of town plats.’ ”

And then he withdrew.

Mr. Teas offered the following resolution :

Resolved, By the Council and House of Representatives, That the committee appointed to investigate the affairs of the Miners’ Bank of Dubuque, be required to publish or cause to be published in all of the newspapers printed in this territory, a fair and correct statement of the situation of said bank, as soon as an investigation shall have been had.

Said resolution was read the first and second times, and

Ordered to be engrossed for a third reading.

It was then read the third time, passed, and

Ordered to be sent to the Council for concurrence.

On motion of Mr. Parkinson,

Resolved, That the thanks of this house be tendered to the hon. Isaac Leffler, for the able and impartial manner in which he has discharged the arduous duties of speaker of this house, during the present session.

On motion of Mr. Teas,

Resolved, That all the reports of the committees of this house, and all memorials which originated in this house at its present session, be printed in the journal.

Bill No. 66, Council file, entitled “ A bill to provide for the compensation of the officers of the legislative assembly, and for other purposes,” was taken up, read the first and second times, and

On motion of Mr. Engle, was referred to the committee on expenses, to act as a joint committee with the committee of the Council.

On motion of Mr. Parkinson,

Resolved, That the thanks of this house are due to John Cat-

lin, Esq., chief clerk, and to Edward Johnson, Esq., acting assistant clerk of this house, for the satisfactory manner in which they have performed the arduous duties which devolved upon them in their respective capacities, during the present session.

The house adjourned till 3 o'clock, P. M.

3 O'CLOCK, P. M.

Mr. Cox, from the joint committee to which bill No. 66, Council file, was referred, reported the bill with an amendment to the title.

The report was agreed to, and the bill was then ordered to be engrossed for a third reading.

The 16th rule was then suspended in reference to said bill, which was read the third time, passed, and the title thereof agreed to.

Ordered, that the Council be informed.

Mr. Brunson, from the committee on enrolments, reported the following acts and resolutions, as correctly enrolled:

"An act to authorize the board of county commissioners of the county of Jackson to build a bridge, and levy a tax to pay for the same."

"An act to enlarge the county of Crawford."

"An act supplementary to 'An act concerning costs and fees.'"

"An act relating to strays."

"Resolution relative to the distribution of the pamphlet laws."

"Resolution relative to publishing the laws."

"An act to amend an act, entitled 'An act concerning the supreme and district courts, and defining their jurisdiction and powers.'"

"Resolution respecting printing fifteen hundred copies of the militia act."

"An act to establish the ferries herein named."

"An act concerning costs and fees."

The said acts, &c., were then presented to, signed by the speaker, and ordered to be sent to the president of the Council for his signature.

The following message was received from the Council, by their secretary:

“Mr. Speaker,—The Council have concurred in bill No. 149 of this house, entitled ‘A bill to establish the ferries herein named,’ and a

“Resolution relative to the publication in all the newspapers of the territory, the report of the joint committee appointed to investigate the condition and affairs of the Miners’ Bank of Dubuque;’ also in

“Bill No. 147, of this house, entitled ‘A bill to provide for the payment of the officers of the House of Representatives, and for other purposes,’ with amendments.”

And then he withdrew.

The amendments made by the Council to bill

No. 147, entitled “A bill to provide for the payment of the officers of the House of Representatives, and for other purposes, were concurred in.”

Ordered, that the Council be informed.

On motion of Mr. Childs,

Resolved, That the librarian be instructed to call in all books belonging to the territorial library on the adjournment of this house.

Mr. Cox introduced a resolution appointing P. H. Engle, Esq., fiscal agent for the territory of Wisconsin, which was read the first and second times, and ordered to be engrossed for the third reading.

Said resolution was then read the third time, and passed.

The house adjourned till 6 o’clock P. M.

6 O’CLOCK, P. M.

A message was received from the executive, informing the house, that he had on this day approved “An act to establish the University of the territory of Wisconsin.”

The following message was received from the Council by the secretary thereof:

“Mr. Speaker,—The Council have concurred in the amendments made by this house to bill No. 66, entitled ‘A bill to pro-

vide for the compensation of the officers of the legislative assembly, and for other purposes.' ”

And then he withdrew.

Mr. Engle, from the judiciary committee, reported bill No. 53, Council file, “A bill regulating writs of attachment,” back to the house without amendment.

The said bill was then read the second time, and,

On motion of Mr. Chance,

The said bill was laid on the table until the second Monday of June next, being the first day of next session.

The yeas and nays having been called for, were as follow :

Yeas :—Messrs. Blair, Cornwall, Chance, M^cWilliams, Sheldon, Smith, Sholes, and Leffler, speaker—8.

Nays :—Messrs. Box, Boyls, Brunson, Childs, Cox, Parkinson, and Teas—7.

Mr. M^cWilliams, from the committee on enrolments, reported the following acts and resolutions to be correctly enrolled :

“An act to incorporate the city of Burlington.”

“An act to amend ‘An act concerning judgments and executions.’ ”

“An act to authorize the appointment of public administrators in the several counties in this territory.”

“An act to authorize evidence by the oath of parties.”

“An act to prevent disasters on steamboats navigating the waters within the jurisdiction of Wisconsin territory.”

“An act to legalize the acts of the supervisors of Grant county.”

“An act to incorporate the town of Fort Madison.”

“An act to provide for the compensation of the officers of the Council, and for other purposes.”

“An act to provide for the payment of the officers of the House of Representatives, and for other purposes.”

“An act to incorporate the Racine and Rock River Rail Road Company.”

“Resolution relative to commissioners appointed to superintend the erection of public buildings at Madison, Dane county.”

“A resolution authorizing certain acts contained in the laws

of Michigan to be printed as an appendix to the pamphlet laws of the present session."

The said acts and resolutions were then presented to, signed by the speaker, and

Ordered to be sent to the president of the Council for his signature.

Mr. Chance offered a preamble and resolution for an appropriation of vacant land for the endowment of the Wisconsin University at or near Madison; which was read the first and second times, and

Ordered to be engrossed for the third reading.

The said preamble and resolution were then read the third time, and passed.

Ordered, that the Council be requested to concur therein.

The following message was received from the Council by the secretary thereof:

"Mr. Speaker,—The Council have concurred in the resolution of this house appointing a fiscal agent of this territory, and in the preamble and resolution for an appropriation of vacant land and money for the erection of buildings and endowment of the University of the territory of Wisconsin, with an amendment."

And then he withdrew.

The house concurred in the amendment made by the Council to the preamble and resolution for an appropriation of vacant land, &c., to the Wisconsin University.

Ordered that the Council be informed.

Mr. Sholes, from the committee on enrolments, reported the following resolutions, &c., to be correctly enrolled, viz:

"A resolution appointing a fiscal agent."

"A preamble and resolution for an appropriation of vacant land for the endowment of the University of the territory of Wisconsin."

The said resolutions were then presented to, signed by the speaker, and

Ordered, to be sent to the president of the Council for his signature.

The house adjourned.

Saturday, January 20, 1838.

The following message was received from the executive:

“ Territory of Wisconsin, Executive }

“ Department, January 20, 1838. }

“ To the Honourable, the Speaker of the House of Rep's.

“ Sir,—I return the act entitled ‘ An act to amend an act entitled ‘ An act to establish the judicial districts of the territory of Wisconsin, and for other purposes, and to regulate the time of holding courts in the several counties of this territory,’ without my signature, because I am fearful that in changing the time of holding the courts no provision is made to prevent the abatement of suits, writs, and process which may have issued returnable on the days now established by law, and recommend, as a measure of safety, that a provision of the kind should be inserted.

“ Very respectfully,

“ Your ob't servant,

“ HENRY DODGE.”

The house then proceeded to consider the message just received, and,

On motion of Mr. Engle,

The said act was amended, by the unanimous consent of the house, by adding the following section, viz :

SECT. 4.—No suits, writs, indictments, recognisances, informations, or other process or proceedings returnable to the supreme or any of the district courts of this territory shall abate, be made void, or in any wise affected in consequence of any change of time of holding any of the said courts by the provisions of this act; but when the same may have issued, or may have been made returnable at any day in accordance with the time of holding courts before the passage hereof, they shall be considered as returnable at the term of the courts respectively

named in this act, which may be nearest in point of time to the day at which they have been made returnable; and all jurors, witnesses, and other persons bound in any way to appear before the courts when the time of holding the same shall be changed by this act, shall be bound to appear before the said courts at the term nearest thereto in point of time as established by this act.

Ordered, that the Council be requested to concur.

Mr. Jenkins offered the following resolution:

Resolved, That the secretary of the territory has not been sufficiently industrious and careful to obtain the legal coin of the United States to defray the expenses of the legislative assembly.

On motion of Mr. Engle,

The resolution was laid on the table.

The yeas and nays having been called for, were as follow:

Yeas:—Messrs. Blair, Boyls, Brunson, Brunet, Childs, Cornwall, Chance, Cox, Engle, M^cWilliams, Parkinson, Reynolds, Sheldon, Smith, Sholes, and Leffler, speaker—16.

Nays:—Messrs. Box, Jenkins, and Teas—3.

Mr. Cornwall offered the following resolution:

Resolved, That, in the opinion of this house, the secretary of the territory has used due diligence in collecting funds to defray the expenses of the legislative assembly.

On motion of Mr. Sholes,

The resolution was laid on the table.

A message was received from the executive, informing the house that he had examined and approved the following acts, viz:

“An act to incorporate the several seminaries herein named.”

“An act to prevent trespasses and other injuries being done to the possession of settlers on the public domain, and to define the right of possession on the said land.”

“An act supplementary to an act entitled ‘An act to regulate the mode of petitioning the legislative assembly in certain cases.’”

“An act to incorporate the stockholders of the Rochester and Des Moines Hydraulic and Manufacturing Company.”

"An act to establish the Philandrian College, in the town of Denmark, Des Moines county."

"An act to provide for a territorial revenue."

"An act to legalize the proceedings of justices of the peace in Grant county."

"An act to establish ferries across the Mississippi river, opposite the town of Burlington, Des Moines county."

The following message was received from the Council by the secretary thereof:

"Mr. Speaker,—The Council have unanimously concurred in the amendment proposed by this house to an act to amend an act entitled 'An act to amend an act entitled 'An act to establish the judicial districts of the territory of Wisconsin, and for other purposes,' and to regulate the time of holding courts in the several counties in this territory,' which had been returned to the House of Representatives without the signature of the governor.

"The governor has notified the Council that he has examined and approved the following acts, &c. :

" 'An act to provide for the compensation of the officers of the Council, and for other purposes.'

" 'An act for the punishment of the crime of bribery.'

" 'An act to amend an act entitled 'An act concerning supreme and district courts, and defining their jurisdiction and powers.' "

" 'An act relating to strays.'

" 'Resolution relative to the distribution of the pamphlet laws.'

" 'Resolution relative to printing the laws.'

" 'Resolution relative to commissioners appointed to superintend the erection of the public buildings at Madison.' "

And then he withdrew.

On motion of Mr. Chance,

Resolved, (if the Council concur,) That a joint committee of three from each house be appointed to wait upon his excellency the governor to inform him that the two houses are through with their business, and to ask him if he has any farther communication to lay before the legislative assembly.

Messrs. Chance, Parkinson, and Sheldon were appointed said committee on the part of this house.

Ordered, that the Council be informed.

A message was received from the executive, informing the house that he had examined and approved,

“An act to amend an act entitled ‘An act to establish the judicial districts of the territory of Wisconsin, and for other purposes, and to regulate the time of holding courts in the several counties in this territory.’”

A message was received from the Council informing the house that the resolution requiring the appointment of a committee to wait upon the governor, to inform him that the two houses were through with their business, was concurred in, and that

Messrs. Brigham, Foley, and Sweet, had been appointed the committee on the part of the Council.

On motion of Mr. McKnight,

Resolved, That the thanks of this house be tendered to T. K. Brown, A. H. Posey, Philip S. Dade, W. A. Warren, William Morgan, John Lorton, Joseph T. Fales, Reuben Chance, William Sterling, and Milton M. Craney, for the satisfactory manner in which they have discharged their duties as officers of this house.

Mr. Chance, from the joint committee of the two houses appointed to wait on the governor, and to ask him if he has any farther communication to make to the legislative assembly, reported that the committee had attended to the duty assigned them, and the governor was pleased to say that he had no farther communication to make to the two houses.

On motion of Mr. M. Williams,

Resolved, That this house do now adjourn, to meet on the second Monday of June next.

Whereupon, the speaker rose and said,

“GENTLEMEN,—I seize the present moment to express to you the many obligations you have laid me under, for your support during the present session.

“In presiding over your deliberations, as speaker of this house, it has been my wish to discharge the duties incumbent upon

me with impartiality, and in such a manner as would be acceptable to you. And if I might be permitted to judge from the complimentary expression in your resolution of yesterday I should think that I had partially succeeded. Be this as it may, you have my most hearty thanks for the indulgence with which you have been pleased to look upon the errors of the chair, and for your confidence and friendship.

“We have had many exciting subjects during the present session, and it is not to be presumed that I may not have erred in the discharge of my duties. But if I have, gentlemen, be assured that it has not been intentional, nor from a want of solicitude on my part to act rightly, and to distribute justice to all.

“We are about to separate, and may we not hope that all unpleasant recollections will be forgotten; and that when we meet again, we shall meet as friends who have one common aim, the good of our country?

“Gentlemen,—I wish you a safe return to your families, and your homes. I shall ever cherish the recollections of your indulgent kindness and friendship, and I now tender you my profound acknowledgments.

“It only remains for me to discharge the last duty assigned me, which is to announce this house adjourned.”

APPENDIX.

APPENDIX.

Document No. 1:

STATEMENT OF THE EXPENDITURES INCURRED FOR THE WISCONSIN LIBRARY.

Paid J. B. Webber & Co., for freight and storage of books, - - - - -	\$26 32
Paid one quarter's rent, at the rate of \$150. per an. -	37 50
Paid Lamson & Girvin, half dozen chairs, - -	10 00
Paid for making table, - - - - -	10 00
Paid for cloths for covering table, &c. - -	13 69
Paid for curtains, wire, &c. - - - - -	6 75
Paid for putting up shelves, - - - - -	8 00
Paid for green flannel for curtains, - - - -	7 65
Paid for candlesticks, snuffers, &c. - - -	2 63
Postage on law library, drayage, stationery, &c. -	2 75
	\$125 29

CR:

By one hundred dollars received of P. H. Engle,
Esq., out of unexpended balance of appropriation, \$100 00

Balance due librarian, - - - - - 25 29

Burlington, Nov. 9, 1837.

No. 2.**A.****QUESTIONS TO THE DUBUQUE BANK.**

1. What amount of capital has been actually paid in?
2. What is the amount of your deposits?
3. What are the profits on hand?
4. What is the amount of your bills in circulation?
5. Do your bills in circulation purport to be payable on demand or otherwise?
6. What is the amount of debts due you from all other persons or corporations?
7. What is the amount of specie in bank?
8. What is the amount of all bills of other banks in your possession?
9. What is the kind of funds with which your discounts have been made? Meaning—have your discounts been made in specie, in bills of other banks, or in bills of your own? and if in bills of your own, were they payable at sight, or after date?
10. What is the amount of stock you now hold in other banks?
11. What is the amount of your real estate?
12. Have you, at any time, refused the payment of specie for your bills when presented and demanded at your counter?
13. If in answer to the fifth query, you state that you have bills in circulation purporting to be payable both on demand and after date, state the amount of each.
14. Have you discounted notes and drafts, and taken out seven per centum per annum in advance, and given your notes payable to the bearer twelve months after date; and, if so, was it always agreed or understood by the person receiving

the loan or discount, that he should take your notes so payable?

15. In what kind of funds has your capital stock been paid in?

16. Is any one of the directors of your institution indebted to it by loans, endorsements, or otherwise, in a sum greater in amount than five thousand dollars?

17. When did you commence discounts?

18. Had you forty thousand dollars, in specie, on hand, as a part of the stock, before any bill or note was issued by you?

19. Was half the amount of your capital stock paid in before any notes or bills were issued by you for circulation?

To the President or Cashier of the "Miners' Bank of Dubuque:"

Sir—We hereby enclose you a certified copy of a resolution passed by the House of Representatives of Wisconsin territory; and also a copy of interrogatories founded thereon: to which your answers in writing, under oath or affirmation, are respectfully requested.

W. B. SHELDON, Chairman.

P. H. ENGLE,

C. C. SHOLES.

B.

Dubuque, Nov. 21, 1837.

To Messrs. SHELDON, ENGLE, and SHOLES, a committee appointed by the House of Representatives of Wisconsin territory, by resolution of the 17th inst., to inquire into the condition of the several banks of the territory.

In answer to your interrogatories concerning the "Miners' Bank of Dubuque," I have the honour to submit the following:

1. In answer to the first question of the committee, I would state that the amount of capital actually paid in is \$100,000.

2. In answer to the second question, I would state that the amount of deposits on hand is \$3,043.

3. The answer to the third question is, that the limited time afforded by the stay of the committee renders it impossible that the correct amount of the profits on hand can be ascertained.

4. The amount of our bills in circulation is \$11,435.

5. Part of our bills purport to be payable on demand, and part after date.

6. The amount of debts due us from all other persons and corporations is \$57,321.

7. The amount of specie in bank is \$42,118.

8. The amount of all bills of other banks in our possession is \$12,177.

9. The kind of funds in which our discounts have been made, is partly bills of other banks, and partly those of our own—some of those of our own payable at sight, and others twelve months after date.

10. The answer to this question is, that we hold no stock in other banks.

11. The amount of our real estate is \$950.

12. The answer to this question is, that we have not, at any time, refused the payment of specie for our notes when presented at our counter for payment.

13. In answer to this question, I state that the amount of our bills in circulation, purporting to be payable on demand, is \$2,000; and those payable after date \$9,435.

14. In answer to this question, I state that we have discounted notes and drafts, and taken out seven per centum per annum in advance, and given our notes payable to the bearer twelve months after date; but it was always agreed and understood by the person receiving the loan, that he should take our notes so payable.

15. To this question, the following answers are submitted:—In specie \$41,147—in Safety Fund notes of New York state, \$19,300—in notes of U. S. Bank, \$17,100—in notes of the State Bank of Illinois, \$9,700—in notes of the Bank of Wisconsin,

sin at Green Bay, \$3,000—in notes of various Michigan banks, \$9,753.

16. No director of our institution is indebted to it by loan, endorsement, or otherwise, in a sum greater in amount than \$4,500.

17. We commenced discounts on the 31st of October, A. D. 1837.

18. Yes.

19. Yes.

G. D. DILLON, Cashier.

G. D. Dillon, Cashier of the Miners' Bank of Dubuque, being sworn in due form of law, deposes and says that the facts set forth in the foregoing answers are true, to the best of his knowledge and belief. Sworn and subscribed before me, this 21st of November, 1837.

WARNER LEWIS, J. P.

C.

QUESTIONS CONCERNING THE BANK OF MINERAL POINT.

To. Col. WILLIAM S. HAMILTON :

1. Did you act as commissioner to receive subscriptions to the capital stock of the "Bank of Mineral Point?"

2. Were the books for subscriptions kept open for six days or longer?

3. Were two thousand shares of stock subscribed for within six days after the opening of the books?

4. Were any subscriptions received after the expiration of the aforesaid six days?

5. After the expiration of the six days, were any subscrip-

tions received other than sufficient to make up the deficiency then existing?

6. Was one-tenth of the amount of each share paid to the directors or commissioners, in specie, at the time of subscribing?

7. Was sixty days' notice, by publication in some newspaper printed in the county of Iowa, given, requiring the payment of another instalment; and if so, was any portion of said instalment paid by any of the stockholders at the time and place so required?

8. Have the duties of the commissioners, named in the act of incorporation, been superseded by the election of president and directors?

9. Did the commissioners make a deposit in any bank at the first instalment paid in; and if so, in what bank?

10. If the first instalment was deposited in any bank, did the commissioners take a certificate of special deposit of specie?

To Col. WILLIAM S. HAMILTON:

Sir,—Having been appointed a special committee by a resolution of the House of Representatives of Wisconsin territory, to examine into the affairs of the different banks in this territory, in pursuance of the power vested in us, we respectfully address to you the foregoing interrogatories, to which your answers in writing, under oath or affirmation, are requested.

WM. B. SHELDON, Chairman.
P. H. ENGLE,
CHAS. C. SHOLES.

D.

ANSWERS OF COL. HAMILTON.

Ques. 1. Did you act as commissioner to receive subscriptions to the capital stock of the Bank of Mineral Point? Ans. —Yes.

Q. 2. Were the books of subscription kept open for six days or longer? A.—Longer. The precise time not recollected. The minutes, kept by the commissioners, and now in the possession of the bank, will show.

Q. 3. Were two thousand shares of stock subscribed for within six days after the opening of the books? A.—No.

Q. 4. Were any subscriptions received after the expiration of the aforesaid six days? A.—Yes.

Q. 5. After the expiration of six days, were any subscriptions received other than sufficient to make up the deficiency then existing? A.—As near as this deponent recollects, there were about twelve hundred shares subscribed for at the expiration of the six days; at which time the commissioners decided that the books should be kept open for a longer time, and receive such subscription as might be offered. Two or three days after, subscriptions were made for an amount considerably exceeding the number of shares required by law, and the books were closed. The commissioners then examined the law, and decided that, in their opinion, the whole amount of subscription should be taken into consideration; that the great excess was made in the last subscription, which could not be prevented, as any individual had a right to subscribe any amount he pleased; and they, therefore, divided the stock in equal proportion among the whole number of subscribers.

Q. 6. Was one-tenth of the amount of each share paid the directors, or commissioners, in specie, at the time of subscribing? A.—There were about two thousand dollars paid in specie, when a proposition was made, by a citizen of Iowa county, to subscribe for a certain amount of stock, and pay in the amount so subscribed, in notes of the Bank of Detroit; and that he would make an assignment (in addition to the notes so deposited) of all the stock so subscribed, as security; that within sixty days, or so soon as he could send to Detroit, for the payment of his amount of subscription in specie: and the said commissioners decided that the spirit and intention of the law would be carried out by having the specie at the time that the bank should go into operation; and therefore that they might take the notes of the said Bank of Detroit aforesaid, having the

specie guarantied and secured to them as above; and they allowed the subscription to be made;—after which a certificate of deposite of the Bank of Wiscopsin, for specie, was offered and taken upon the same conditions.

Q. 7. Was sixty days' notice by publication in some newspaper printed in the county of Iowa, requiring the payment of another instalment; and if so, was any portion of said instalment paid by any of the stockholders at the time and place required. A.—There was a notice published at Mineral Point, calling for four instalments of ten per cent. each on four several days; and a notice for the election of directors appointed on the same day that the second instalment was to have been paid. The commissioners met on the day appointed; and, acting as directors, decided that John Atchison and Garret V. Dennison were no longer commissioners or directors, as they had not subscribed for stock; whereupon they proceeded to choose by ballot two others, James D. Doty and Henry Stringham. The board then allowed the stockholders to proceed to elect directors, upon which election the duties of the commissioners ceased. Up to this time, which was about four o'clock, P. M. of the day for the receipt of the second instalment, no part of the same had been paid.

Q. 9. Did the commissioners make a deposite in any bank of the first instalment paid in; and if so, in what bank? A.—No. In lieu of the funds by them received, they authorized Mr. James Morrison to take a certificate of deposite of the Bank of Wisconsin, drawn in favour of James D. Doty, for specie, and assigned by said Doty with security, that the funds should be brought to Mineral Point, at the time the second instalment should be made payable; which funds were never placed in the hands of the commissioners, although they might have been in the hands of Mr. Morrison.

Q. 10. If the first instalment was deposited in any bank, did the commissioners take a certificate of special deposite. A.—The answer to question 9 is the reply to this question.

WILLIAM S. HAMILTON.

Joe Davies county, } Personally before me appeared Wil-
 State of Illinois. } liam S. Hamilton, who did depose and
 say, that he did subscribe the foregoing, and that the answers
 contain the truth, to the best of his knowledge and recollection.

SAMUEL SMOKER, J. P.

E.

1. Are you a director of the Mineral Point Bank, and if so when were you elected?
2. What amount of capital stock is now paid in?
3. After the stock was all subscribed and the first instalment paid, was public notice given by the acting directors, according to the charter, requiring the payment of other instalments; and if so, were they paid in according to the requisition so made?
4. In whose possession is the money now paid in, and is it in specie?

To E. BRIGHAM, Esq.

Sir—In the performance of duties assigned to us by a resolution of the House of Representatives, of Wisconsin territory, of the 16th inst., we send you the within interrogatories concerning the Bank of Mineral Point, to which your answer in writing, under oath or affirmation, is respectfully solicited. Yours, &c.

WM. B. SELDON, Chairman.

P. H. ENGLE,

CHAS. C. SHOLES.

F.

Burlington, November 23, 1837.

To the Hon. the committee of the House of Representatives,
 appointed to investigate the condition and doings of the
 banks.

Gentlemen—I have received your note of this day, and in re-

ply to your first inquiry, I have the honour to state that I was, on the first Monday in July last, elected a director in the bank of Mineral Point, and qualified as such. In reply to the second, third, and fourth interrogatories, I beg leave to refer the Hon. committee to the president and cashier of said bank.

Respectfully, your obedient servant,

E. BRIGHAM.

G.

QUESTIONS CONCERNING THE BANK OF
WISCONSIN.

1. What amount of capital has been actually paid in?
2. What is the amount of your deposits?
3. What are the profits on hand?
4. What is the amount of your bills in circulation?
5. Do your bills in circulation purport to be payable on demand, or otherwise?
6. What is the amount of debts due you from all other persons or corporations?
7. What is the amount of specie in bank?
8. What is the amount of all bills of other banks in your possession?
9. What is the kind of funds with which your discounts have been made? meaning, have your discounts been made in specie, in bills of other banks, or in bills of your own? and if in bills of your own, were they payable at sight, or after date?
10. What is the amount of stock you now hold in other banks?
11. What is the amount of your real estate?
12. Have you, at any time, refused the payment of specie for your bills, when presented and demanded at your counter?
13. Is any part of the specie, returned by you in bank, (in answer to the 7th query,) special deposits, and if so, how much?

To the President or Cashier of the Bank of Wisconsin:

SIR—We hereby enclose you a certified copy of a resolution passed by the House of Representatives of Wisconsin territory, and also a copy of interrogatories founded thereon, to which your answers in writing, under oath or affirmation, are respectfully requested.

W. B. SHELDON, Chairman.
P. H. ENGLE,
CHAS. C. SHOLES.

H.

To the Hon. W. B. SHELDON, chairman of the committee to investigate the different banks in the territory.

SIR—Your communication was received this evening. My answers to your questions will be considered by you as bearing date the 19th day of October last, which is the day that I left the village of Green Bay. I am not aware of any material change being likely to occur since that time.

No. 1. Capital actually paid in, \$19,625.

2. Amount of deposits, \$37,873 31;—certificates of deposits, \$2,312 77.

3. Profits on hand, \$788 16.

4. Amount of bills in circulation, \$139,363.

5. All the notes of this bank in circulation now, or which they have ever issued, are payable on demand.

6. Amount of debts due this bank, which are payable at sight by other banks, \$45,908 52; amount of debts due this bank from individuals, \$95,355 70.

7. Amount of specie in bank, \$41,376 38. —

8. Amount of other bank notes on hand, \$15,255.

9. Discounts have only been made with notes payable on demand. In cases where persons have wanted the money to send to remote points, where the notes of the Wisconsin Bank would

not be current, the notes of the banks most convenient for the uses of the individual, have been given. Generally, discounts are made with Wisconsin paper.

10. The bank owns no stock in other banks.

11. Real estate and bank furniture, \$2,229 88.

12. I know of no demand being made upon this bank for specie that has not been paid. The calls upon the bank for specie have been small—only for the purpose of making change; and the receipts of the bank in specie have increased since the general suspension of specie payments by the other banks.

13. The specie reported in answer to the 7th question, is all the property of the Bank of Wisconsin.

HENRY STRINGHAM, Cashier.

Territory of Wisconsin, county of Des Moines, ss.

On the 20th day of November, 1837, personally appeared before me Henry Stringham, whose signature is hereunto affixed, who made oath that the above statement is true, to his certain knowledge and belief.

Given under my hand the day above written.

DAVID IRVIN.

Ass. Judge Sup. Court, Wisconsin territory.

I.

QUESTIONS CONCERNING THE BANK OF
MILWAUKEE.

1. Are you a commissioner to receive subscriptions to the Bank of Milwaukee?

2. Have books been opened according to the forms prescribed in the charter to receive subscriptions for said bank?

3. What amount of stock has been subscribed for, and what amount of money paid in?

Burlington, Nov. 23, 1837.

To ALANSON SWEET, Esq.

SIR—In the performance of duties assigned to us by a resolution of the House of Representatives of Wisconsin territory, of the 16th instant, we send you the foregoing interrogatories, to which your answer in writing, under oath or affirmation, is respectively solicited.

Yours, &c.

WM. B. SHELDON, Chairman.

P. H. ENGLE,

CHAS. C. SHOLES, Com. H. R.

Burlington, W. T. 24th November, 1837.

MESSRS. WILLIAM B. SHELDON, P. H. ENGLE, CHARLES C. SHOLES,

GENTLEMEN—In answer to your request, not being furnished with date, I am unable to define; but in answer to interrogatory No. 1, I have to say, I am a commissioner for the Bank of Milwaukee; second, the books were opened for the subscription of the stock agreeably to the charter; third, the amount of stock subscribed I am unable to state; it is, however, something less than one-fourth, on which the amount provided by the charter has been actually paid in.

I am, most respectfully, yours,

ALANSON SWEET.

No. 3.

To the Honourable, the House of Representatives of the Territory of Wisconsin.

The undersigned a citizen of the county of Iowa, would respectfully represent to your honourable body, that Daniel M. Parkinson, a member of your body elected from this county, is accused of a high crime committed within the jurisdiction of the state of Illinois, from the penalty of which he has sought refuge in this territory.

Your memorialist would beg leave to observe, that the simple finding of an indictment by a grand jury, is not evidence of guilt, but when these indictments are numerous and specific in their counts, and when the accused flees the jurisdiction of the laws that are offended, it is strong presumptive evidence of guilt.

You are the representatives of an honest and intelligent community, congregated for the express purpose of enacting laws to suppress or punish crime: it would therefore be highly unbecoming, that taint or reproach should be attached to you or any of your honourable body; you should be "without stain and without reproach."

It will therefore be required of you as legislators, as the conservators of virtue and good order, that you investigate this matter to this end, that if the representative from Iowa is innocent of this obnoxious charge, his innocence be made apparent and published to the world: if guilty, that he be declared as unworthy of a seat in your honourable body, as he is to be the representative of a respectable and intelligent county of the territory.

CHARLES BRACKEN.

Iowa County, Nov. 25th, 1837.

No. 4.

A bill of materials and labour for finishing the capitol of Wisconsin territory :

1378 Perch of stone, together with the laying lime,					
&c., at \$2 50 per perch,	-	-	-	-	\$3445,00
Addition for cutting stone,	-	-	-	-	2500,00
Plastering building,	-	-	-	-	1800,00
Chimneys and hearths in said building,	-	-	-	-	100,00
Iron work for building,	-	-	-	-	200,00
					8045,00
176,000 Feet coarse lumber at \$20	-	-	-	-	3,520,00
30,000 do. Pine do. \$35	-	-	-	-	1,050,00
50,000 do. Shingle do. \$10	-	-	-	-	500,00
Painting Capitol,	-	-	-	-	300,00
Large timber,	-	-	-	-	150,00
Tin for dome,	-	-	-	-	230,00
20,000 lbs. nails, at \$15	-	-	-	-	300,00
Door and window trimmings,	-	-	-	-	200,00
Glass and glazing windows,	-	-	-	-	450,00
Carpenters and joiner's work,	-	-	-	-	7,000,00
Contingent expenses,	-	-	-	-	2,000,00
					\$23,745,00

A. A. Bird,

Act. Comr.

NO. 5.

The committee to which were referred the petitions from the several counties, reports the following:

Louisa remonstrates against changing her boundaries.—97

Also prays that the seat of justice be located by voice of the people.—139

Muscatine and part of Dubuque pray that a county be formed commencing at the middle of the channel of the Mississippi river, between ranges one and two east, thence north one tier of townships over the boundaries as first established, and also west one tier over the first.—54

Also pray that boundaries as made in first bill be abolished.—120

For Geneva seat opposite.—120

For Bloomington—394.

Des Moines prays that their southern boundary commence at the middle of the main channel of the Mississippi, where the half breed line intersects said river, thence west with said line one township west of the first boundaries, thence north to the present boundaries of said county less one township.—339

(These petitions came in since veto.)

Petitions for Skunk and Iowa to be the southern and northern boundaries of the county of Des Moines.—152

For the northern line of Lee to the Skunk river.—466

Seat of justice of Lee by the people.—323

Van Buren prays that one range of townships be taken from Lee, and added to Van Buren.—239

Remonstrances against it.—142

Seat of justice located by the people.—102

For Rochester.—149.

Farmington (temporarily).—91

For Benton's Port.—121

For commissioners to locate the seat of justice for Van Buren.—82

Henry prays to extend her eastern line to the Quaking-aspen Grove, and remonstrates against any other change except to Slaughter lines.—135

County seat to be established at Mount Pleasant by the legislature.—108

No. 6.

REPORT OF P. H. ENGLE CONCERNING THE PURCHASE OF THE TERRITORIAL LIBRARY.

To the honourable, the speaker of the House of Representatives of Wisconsin territory.

- The undersigned, one of a committee appointed by a joint resolution of the two houses of the last session, to purchase and forward to the seat of government the territorial library, begs leave to make the following report:

That in order to confer with the gentlemen associated with the undersigned, it was necessary for him to visit the city of Washington; that he accordingly proceeded there in the month of February last, saw and conversed with Dr. Linn, and Col. Jones, two of the committee named, and in consequence of the absence of Mr. Clayton, who had previously resigned his seat in the senate of the United States, it was necessary to confer with him by letter. A letter was accordingly addressed by the undersigned to Mr. Clayton, at his residence in Dover, enclosing a copy of the resolution, and a list of books prepared by the undersigned, and which had previously been submitted to the inspection of the other gentlemen of the committee, requesting that Mr. Clayton would give his views by letter upon the whole subject. An answer was received from Mr. Clayton, dated the 20th of February, 1837, a copy of which will be found appended to this report.

In pursuance of the suggestion made by him, the undersigned was appointed to complete the selections, and purchase, and to forward the library to the seat of government. The five thousand dollars appropriated by the Congress of the United States for the purchase of the library was drawn from the treasury of the United States by Col. Jones, in pursuance of authority

given him by the other members of the committee, which was by him paid over to the undersigned.

A portion of the money was expended in Washington city in the purchase of valuable congressional documents and debates. These were furnished by George Templeman, a bookseller of that place, at prices which were considered reasonable. Nearly twenty-seven hundred dollars were paid to Nicklin and Johnson, law booksellers of Philadelphia, for law books bought of them, and about thirteen hundred dollars were paid to E. L. Carey and A. Hart, booksellers of the city of Philadelphia, for books of a miscellaneous nature, furnished by them. A complete list of these books, with the prices attached, and receipts for their several payments, have been attached to a report made to the Council this day upon the same subject, and will doubtless be open to the inspection of the house if, and when required.

Considerable labour and responsibility devolved upon the undersigned in carrying into effect the object of the resolution.

Many books which had been in the first place put down on the list, and estimated, it was found, could not be procured in this country, and some of them, indeed, were said by the booksellers to be out of print altogether. Other works had to be substituted, and in many cases it was a source of regret that works of less importance must necessarily take the place of those which could not be procured. The undersigned did not deem it proper to wait for importations from England and France, even where it was thought probable that the books could be procured in those countries, but proceeded to complete the purchase out of such as could be afforded by the best booksellers of the United States. Some works which are in common use, and of standard authority, happened to be just at that time out of print, and new and improved editions were expected during the course of the summer and fall. These remarks apply chiefly to law books. The books purchased, it is believed, have all arrived safely at this place without any material damage. The 1st vol. of Spark's Life of Washington, and the 2nd vol. of Hamilton's Life, marked in the printed catalogue as *missing*, were not published at the time the purchase

was made. The undersigned submits herewith a statement of his account, with the remark that it is believed that all charges and expenses have been paid with the exception of some small accounts for freight on some one or two of the last packages which arrived. These cannot exceed altogether the sum of fifty dollars.

P. H. ENGLE IN ACCOUNT WITH THE TERRITORY OF WISCONSIN.

DR.

To amount of appropriation received of Col. Jones, \$5,000

CR.

1837.

March 10.	Carey and Hart's bill,	-	\$1,200,00
" 27.	Nicklin and Johnson's bill,	-	2,673,63
April 10.	George Templeman's bill,	-	567,28
" 15.	Carey and Hart's second bill,	-	92,00
July 22.	Cash to James Clarke, librarian, to pay freight on books, shelving and furniture,	-	100,00
September 21.	Hempstead, Beebe, and Co., freight on books,	- - - - -	85,05
	Travelling and other incidental expenses,	-	250,00
	Balance due the secretary,	- - -	32,09
			\$5,000,00

Burlington Jan. 3d, 1838.

P. H. ENGLE.

COPY OF A LETTER FROM THE HONOURABLE JOHN M. CLAYTON.

Dover, Delaware, February 20, 1837.

Honourable P. H. Engle,

DEAR SIR,— received yours of the 14th instant, and immediately afterwards turned my attention to the important duty devolved upon us by the legislative assembly of Wisconsin. I have ever taken a deep interest in her welfare, and it gives me the most sincere gratification to be associated with the other gentlemen named in the assembly's resolution, in the performance of the task assigned to us.

In pursuance of your suggestion, I have marked on the list sent, the books which I most approve of, for our library, and I have ventured to add, by way of suggestion to my associates, a list of law books to be bought if our funds will allow it. With regard to the list of "congressional documents, journals, laws, and law books," which you observe Captain Templeman is anxious to sell to the committee I should be well content to buy many of them for the territory, but for the prices he has set upon them. In my judgment, those prices are about 50 per cent. above what I would be willing to pay for them. To the prices of Nicklin and Johnson, I do not object, provided 5 per cent. is taken off as proposed. They are quite high enough then.

On the list of books of a miscellaneous character, the prices of some are given, and others not. I have marked those I most approve of with a ✓ in ink. You or one of the other gentlemen named must complete this purchase, and forward the library with all despatch. I agree to the appointment of any one of you whom the others may designate. I will sign the requisite draft or order on the treasury whenever you forward it to me.

As a matter of course, the person who shall purchase for us, must have full discretion to buy or not the books marked as the prices shall appear suitable. The sum of \$5000 was by me inserted in the bill to organize the territory when I reported it, and I then thought that it would lay the foundation for a good library.

I need not exhort you to be careful in resisting extortionate prices, which would defeat the object I had in view.

When resigning the unexpired five years of my last term in the senate, I did indeed deeply regret that I could no longer lend my aid, feeble as it was, to the further advancement and prosperity of this noble territory. I saw, or thought I saw, clearly that she must one day sustain the population of an empire; and I still believe that when her vast resources shall be developed, she must eclipse in greatness the proudest member of the confederation. May I live to see her, as a state, the pride and glory of our union!

Present my best respects to my old friends, the Hon. Louis F. Linn, and the Hon. George W. Jones, and believe me to be with

High esteem

Your friend,

JOHN M. CLAYTON.

P. S. The papers sent me, and the list of books I have added, are enclosed.

No. 7.

To the House of Representatives:

GENTLEMEN :—

I would most respectfully ask leave to make the following statement :

That some time after my arrival in Burlington, which was in the fore part of the month of November last, John Wilson, of Stephenson, Illinois, called on me at Lockwood's Hotel, and informed me that he had a petition for a ferry charter which he wished me to take charge of; that he was going down the river to St. Louis, and up the Illinois river, for the purpose of collecting money, and that he would return in a short time.

Some conversation took place in relation to his petition, in which I informed him that he could leave his papers, but that he knew that public sentiment was against him, and that he could not expect to get a charter. He said that he would leave them with me until he returned, and handed me a bundle, the contents of which I did not examine for several days after. I remarked to Wilson, that as he was going on a collecting expedition, I should like to send some notes by him: I then took from a memorandum book a bundle of notes, payable to the proprietors of Davenport, which notes I had put up in a bundle before leaving home for this place, and made an entry of them in a memorandum book. After I had put up this bundle of notes I came across a note I held on an individual by the name of Eades, for three hundred and odd dollars, which note I put in the same bundle with the notes payable to the proprietors of Davenport. Wilson remarked to me that he was in a great hurry, as he wished to go on the boat upon which he came down on. I hastily took my pencil, and from the entries in the book, I made a memorandum of the notes which Wilson signed,

and Wilson, in haste, started out of the room, the steamboat bell having rang, (I think, a second time.) As Wilson was leaving the room it occurred to me, that the note on Eades was in the bundle, and there being no account taken of it, in the memorandum, I called to Wilson to stop, that there was a note in the bundle, on a gentleman whom he would, in all probability, see while below, and I should like him to collect it, and that it was not included in the receipt. Wilson still continued on, and replied as he was leaving, "I'll collect it, I'll collect it."

Some two or three weeks after Wilson left, J. W. Parker, Esq., handed me eighty odd dollars, together with several notes, being a part of the notes which Wilson took to St. Louis to collect.

Some time after, Wilson called on me while the House of Representatives was in session, and asked me if Mr. Smith had given me any money. I informed him that Mr. Parker had handed me eighty odd dollars, which I supposed came from him, Wilson. To which he said, "Yes," and he said he had collected about three hundred dollars besides. I was engaged at the time, and requested him to call, and we would have a settlement. He called the next morning, and the amount handed to me by Mr. Parker was settled. Wilson then remarked to me, that he had been very unsuccessful in collecting for himself, and that he was out of money, and wanted to know if I could let him keep the three hundred dollars he had collected for me until I returned home. I informed him, that I wished to use a portion of it, that I had promised to send a Mr. Patten, of Davenport, a hundred dollars as soon as I could make it convenient; to which Wilson replied, that he thought he could make some arrangement with Mr. Patten. I then told him, that if he could make a satisfactory arrangement with Patten, he could keep the three hundred dollars until I returned home, and that I would give him the four dollars for his trouble, and I would not charge him any interest for the money, provided he paid it when I returned home; for which he executed to me his note, payable thirty days after date.

When I took his note for the money, it occurred to me I had

an account against him,—that he might say that the note included. I wrote under the note a memorandum, that the note did not include my account against him, and that our accounts were still unsettled, which he signed.

During the time intervening his return from below, and the settlement, and the giving of his note, he never, to my recollection, mentioned the subject of his petitions or ferry charter. After I had let him have the money, and the transaction was closed, I gave him his petitions and papers. He then remarked, that he had expected me to attend to them, and said considerable in relation to his having gone to great expense, &c., and that he had a petition. I remarked to him, that the citizens of Davenport were opposed to his having the ferry, and that his petitioners were not of the right kind—that a large portion of them were from Rockingham, some from Crow creek and that neighbourhood, and some from Stephenson, Illinois, and but few from Davenport, but that if he wished it, I would present his petitions, but that I should go against his getting a charter. He made some remarks which I do not now recollect, and stated that he had been talking with Major Smith, of the Council, about his ferry charter, and that Major Smith had promised to assist him in getting it. He then took his papers, and went away. This occurred in the Representative Hall, in the morning, before the house met; but I do not recollect the day. (In a day or two after, he gave me his note, as above stated.) He came into the house about the time it adjourned, at noon, and he said to me, that he would like to get a copy of the note, as he was very forgetful. I went to my desk accompanied by Wilson. I drew a copy of the note and memorandum, and gave it to him.

I would here state, that I have used such means as I thought best calculated to procure such testimony as I would avail myself of, (but a very important witness being absent; and I not knowing where he was, rendered it difficult to procure his testimony.) I sent a messenger to ascertain where this witness was, with directions to inform me immediately on his hearing of him. I had reasons to suppose, that this witness, (Eades,) was somewhere on the Illinois river. Not hearing from the

messenger I sent, I left this place on Sunday evening, December 31st, for the purpose of procuring the testimony of Mr. Eades, if to be had. After encountering many difficulties, owing to the state of the roads and high waters, I returned on Friday last, having failed in finding Eades; but I procured his affidavit, which he made before a magistrate, which is herewith submitted.

I consider Eades a material witness in my defence, and that I cannot safely go in to trial in the absence of his testimony.

I believe that I shall be able to procure his testimony in full, and I shall spare no pains in procuring his personal attendance.

Yours, with respect,

ALEXANDER W. MCGREGOR.

Burlington, January 15th, 1838.

STATE OF ILLINOIS, }
CASS COUNTY. }

I, William H. Eades, do solemnly swear that I gave my note to A. W. McGregor, in some time about the month of May, one thousand eight hundred and thirty-six, for three hundred and four dollars and some cents, payable twelve months after date, which I paid in Saint Louis, Missouri, to a Mr. Wilson, as he called himself, about the last of November, one thousand eight hundred and thirty-seven, and he surrendered my note to me.

W. H. EADES.

Sworn to and subscribed before me this second day of January, 1838.

WM. W. CLEMONS.

Justice of the peace.

STATE OF ILLINOIS, }
CASS COUNTY. }

I, John W. Pratt, clerk of the county commissioner's court

of Cass county, do hereby certify that Wm. W. Clemons is at this time, and was at the time of the foregoing signature, an acting justice of the peace in and for said county, duly commissioned and qualified according to law, and as such full faith and credit should be given to all his acts.

In testimony whereof, I have hereunto set my hand, and affixed my seal of office, this sixth day of January, A. D. 1838.

JOHN W. PRATT, Clerk.

TERRITORY OF WISCONSIN, }

MUSCATINE COUNTY.

ss.

I, Stephen Nye, of the town of Montpelier, Muscatine county, Wisconsin territory, being duly sworn by me, depose and saith, that he has been a citizen of the present town of Montpelier since May, of the year eighteen hundred and thirty-four, and has known A. W. M'Gregor since May, in the year one thousand eight hundred and thirty-six. And, farther, this deponent saith that since that time, and before the date of these presents, he, this deponent, has been acquainted with the reputation and general character of the aforesaid A. W. M'Gregor, and farther this deponent saith that he has heretofore had undoubted confidence in the veracity of the said A. W. M'Gregor, and farther this deponent saith, that he has never known any thing derogatory to the character of the said A. W. M'Gregor, much less any thing questioning his character for truth and veracity. And farther this deponent saith not.

Dated Montpelier; December 26th, 1837.

STEPHEN NYE.

Sworn and subscribed before me, this 26th day of December, in the year one thousand eight hundred and thirty-seven.

V. R. TOMPKINS,

Justice of the peace for the county
of Muscatine, W. T.

TERRITORY OF WISCONSIN, }

MUSCATINE COUNTY. }

33.

Benjamin Nye, of the county of Muscatine, and town of Montpelier, Wisconsin Territory, being duly sworn by me, de-
poseth and saith, that he has been an inhabitant of the territo-
ry of Wisconsin since the spring of 1834, and that he has been an
inhabitant of the now town of Montpelier since the time afore-
said, and that A. W. M'Gregor lives about eighteen miles from
this deponent's residence. And further, that he has been ac-
quainted with the said A. W. M'Gregor since November 1st,
1835. And further this deponent saith, that between the date
last aforesaid and the date of these presents, he, this deponent,
has had frequent deals, and has made many bargains, and has
had much business to transact with the said A. W. M'Gregor;
and in all has found him of an irreproachable character, and has
yet to find him guilty of a breach of truth and veracity.

And further this deponent saith not. Dated Montpelier
December 27, 1837. BENJAMIN NYE.

Sworn and subscribed before me, a justice of the peace in
and for the county of Muscatine, this 27th day of December, in
the year A. D. 1837.

Y. R. TOMKINS, J. P. in and for the
County of Muscatine, W. T.

No. 8.

Resolved, By the Council and House of Representatives of the territory of Wisconsin, That the following entitled acts, selected from those now in force in this territory, be printed and published as an appendix to the pamphlet laws of the present session.

1. An act to authorize the board of supervisors to ascertain township lines in certain cases.
2. An act to aid in the raising of sheep.
3. An act respecting marks and brands of horses, cattle, sheep, and hogs.
4. An act to regulate the mode of petitioning the legislative council, in certain cases.
5. An act to establish circuit courts in certain counties, and to define their powers and duties.
6. An act to preserve the decisions of certain courts therein named.
7. An act to provide for the appointment of supreme court commissioners in certain counties, and to define their powers and duties.
8. An act to prescribe the mode of proving, in courts of this territory, judgments rendered by justices of the peace, in the several states.
9. An act to provide for the appointment of sheriffs, and to define their powers.
10. An act concerning notaries public.
11. An act prescribing the manner of devising lands, tenements, and hereditaments.
12. An act to provide for the partition of lands.
13. An act to abolish entries, and to confirm conveyances

by tenants in tail, and to regulate the mode of conveyances to joint tenants.

14. An act concerning deeds and conveyances.

15. An act amendatory to "An act concerning deeds and conveyances."

16. An act authorizing aliens to purchase and hold real estate in this territory.

17. An act concerning mortgages.

18. An act for the filing and recording of wills proved without this territory, and for taking affidavits in writing for the probate of wills in certain cases.

19. An act to enable grantees of reversions and lessees mutually to avail themselves of covenants and conditions.

20. An act directing the settlement of estates of persons deceased, and for the conveyance of real estate in certain cases.

21. An act establishing courts of probate.

22. An act to amend an act, entitled "An act for establishing courts of probate;" approved April 12, 1827.

23. An act to amend an act establishing courts of probate.

24. An act empowering the judge of probate to appoint guardians to minors and others.

25. An act to amend an act, entitled "An act empowering the judge of probate to appoint guardians to minors and others."

26. An act for regulating the proceedings on probate bonds in the courts of common law, and directing their form in the supreme court.

27. An act directing the descent of intestate estates, and for empowering the judge of probate to make partition in certain cases.

28. An act concerning executors and administrators.

29. An act for limiting the time within which suits may be prosecuted against executors and administrators, and for perpetuating the evidence of notice given by them, and by guardians and others, respecting the sale of real estate.

30. An act authorizing administrators *de bonis non* to prosecute suits commenced by the executor or administrator of the estate, and for other purposes.

31. An act to amend an act, entitled "An act authorizing administrators *de bonis non* to prosecute suits commenced by the executor or administrator of the estate, and for other purposes;" approved July 3d, 1828.

32. An act authorizing executors and administrators to make sale of real estate, mortgaged to their testators or intestates, and such as they shall take in execution in certain cases.

33. An act authorizing the settlement of the claims of executors and administrators, in the probate court, by referees.

34. An act to compel executors, living without the territory, to settle their accounts; and to oblige administrators and guardians, not being inhabitants of this territory, to give bonds, with proper sureties, for the performance of their trust.

35. An act giving a remedy in law against the executors and administrators of deceased debtors in joint contracts.

36. An act to authorize the courts of law to enter up judgment against the goods and estate of persons deceased, when the executor or administrator neglects or refuses to prosecute or defend.

37. An act regulating marriages.

38. An act for the speedy assignment of dower, and for the prevention of strife and waste by tenants therein.

39. An act concerning divorce.

40. An act for the support and maintenance of illegitimate children.

41. An act supplementary to "An act for the support and maintenance of illegitimate children."

42. An act for the prevention of frauds.

43. An act relating to interest on contracts.

44. An act concerning promissory notes.

45. An act concerning apprentices and servants.

46. An act concerning the process and proceedings of courts of record.

47. An act to prescribe the mode of proceeding in chancery.

48. An act concerning bail.

49. An act to regulate the action of right, and for other purposes.

50. An act allowing and regulating writs of attachment.
51. An act allowing and regulating writs of replevin.
52. An act to prevent unjust imprisonment, by securing the benefit of the writ of *habeus corpus*.
53. An act concerning appeals and writs of error, certiorari, and habeas corpus.
54. An act to amend an act, entitled "An act concerning appeals and writs of error, certiorari, and habeas corpus."
55. An act allowing mutual debts and demands to be set off, and concerning tenders.
56. An act to secure to mechanics and others payment for labour done, and materials furnished in the erection of buildings in the territory of Michigan.
57. An act to prevent the abatement of actions in certain cases.
58. An act concerning amendments and jeofails.
59. An act concerning depositions.
60. An act for regulating references and determining controversies by arbitration.
61. An act concerning judgments and executions.
62. An act to amend an act entitled "An act concerning judgment and executions."
63. An act for the distribution of insolvent estates.
64. An act for the punishment of crimes.
65. An act to amend an act, entitled "An act for the punishment of crimes."
66. An act more effectually to prevent the cutting and waste of timber in this territory.
67. An act to prevent firing woods and prairies.
68. An act to prevent damage by mischievous dogs.
69. An act to enforce the observance of the sabbath.
70. An act to regulate blacks and mulattoes, and to punish the kidnapping of such persons.
71. An act for the prevention of immoral practices.
72. An act concerning habitual drunkards, and to protect their estates.
73. An act for the punishment of idle and disorderly persons.

74. An act to prevent the selling of spirituous liquors to Indians.

75. An act to punish the venders of unwholesome liquors and provisions.

76. An act to prevent private lotteries.

77. An act to prohibit the sale of lottery tickets.

78. An act to regulate general proceedings in criminal cases.

79. An act relative to proceedings in criminal cases.

80. An act for providing and regulating prisons.

81. An act declaring the law concerning the escape of prisoners in certain cases.

82. An act concerning fines, penalties, and forfeitures.

83. An act for the better apprehending of felons and other offenders.

84. An act to provide for the inspection of certain articles therein mentioned.

85. An act to provide for the inspection of leather.

86. An act concerning apprentices and servants.

87. An act to regulate weights and measures.

88. An act to provide a standard for the weight of grain.

89. An act for the regulation of mills and mill ponds.

90. An act fixing the rate of toll for grinding.

91. An act relative to banking institutions.

92. An act to restrain unincorporated banking associations.

93. An act to prevent the vacation of offices in certain cases.

94. An act concerning district surveyors.

95. An act to prescribe the tenure of office of auctioneers, and to levy a duty upon sales at auction in certain cases.

96. An act to provide for the incorporation of religious societies.

97. An act concerning religious societies.

98. An act to protect missionary societies in the territory of Michigan, for the education of Indians, and other persons of Indian habits.

99. An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in the territory of Michigan.

100. An act to establish and regulate social libraries.

101. An act to provide for the preservation of the public health in the city of Detroit, and other places in the territory of Michigan.

102. An act for the limitation of suits on penal statutes, criminal prosecutions, and actions at law.

103. An act relative to oaths and affidavits.

104. An act to enable infants who are seized or possessed of estates in trust, or by way of mortgage, to make conveyances of the same.

105. An act to amend "An act concerning Bail."

106. An act to provide for the collection of fees in certain cases.

107. An act to amend an act entitled "An act to establish circuit courts in certain counties, and to define their powers and duties."

108. An act to repeal a part of the act entitled "An act for the punishment of crimes."

109. An act to lay off and organize the counties west of the Mississippi river.

110. An act to repeal an act giving justices of the peace jurisdiction in criminal cases, approved March 4, 1831.

111. An act to amend an act entitled "An act to provide for the assessment and collection of territorial taxes."

112. An act making certificates of the purchase of public lands, evidence of possession.

113. An act to regulate public stages.

114. An act to provide compensation to grand and petit jurors.

115. An act to authorize justices of the peace and notaries public to administer oaths, and declaring certain oaths already taken valid.

116. An act to abolish the office of register of probate, and for other purposes.

117. An act concerning the powers of sheriff and constables in certain cases.

118. An act to prevent the exercise of a foreign jurisdiction within the limits of the territory of Michigan.

119. An act amendatory to an act concerning habitual

drunkards, and to protect their estates, approved the 12th of April, 1827.

120. An act to authorize husbands to prosecute and defend suits in certain cases.

121. An act to amend an act entitled "An act allowing and regulating writs of replevin.

122. An act to continue and enforce certain fines, penalties, and forfeitures.

123. An act to amend an act entitled "An act to establish circuit courts in certain counties, and to define their powers and duties.

124. An act to regulate the weight of hay.

125. An act in relation to affidavits taken, and other judicial proceedings held in other states and foreign countries.

NO. 9.**EVIDENCE TAKEN BY THE COMMITTEE APPOINTED TO INVESTIGATE THE TRUTH OF CHARGES MADE AGAINST A. W. M'GREGOR.**

Tuesday evening, Dec. 5, 1837.

John Wilson, being duly sworn, stated that the affidavit, as exhibited and marked A, was sworn to and subscribed by him; that it does not contain all facts, but is true as far as stated; that there are other facts not stated in the affidavit connected with the subject. At the time of the conversation before the election, M'Gregor stated, as in the affidavit, that he was a candidate to fill the vacancy, and requested deponent's assistance, which deponent promised, for which M'Gregor stated that he would assist deponent in getting a charter for a ferry privilege. Wilson then said if M'Gregor would so assist as to get a charter, the said M'Gregor should have a hundred dollars, when M'Gregor said he would do his best to secure Wilson a charter; for which deponent also promised to assist him in his election; that he did assist him, and voted for him. They had different conversations respecting the charter—whether it would be best to present by petition or motion, and concluded that it would be best to present it by motion. On the Friday previous to the sitting of the legislature, deponent ascertained that there was a petition in circulation for a charter for a ferry from Stephenson to Davenport; deponent then went to M'Gregor and told him of this circumstance, and told him that as this petition was in circulation, it would be best for deponent to have one, to which M'Gregor assented; upon which M'Gregor drew a petition and copy, the same as presented to the Council. Deponent then renewed the promise of \$100 for M'Gre-

gor's assistance in getting a charter, and M'Gregor promised his assistance in getting a charter. M'Gregor calculated to start for Burlington on the Saturday or Sunday after, and it was understood that deponent should get there as soon after the Monday or Tuesday following, with the petitions and titles of the ferry privileges, as possible, as it was calculated it would take some few days to organize the legislature. On Thursday after, deponent came to Burlington with the petition and papers, and presented them to M'Gregor, who told him that the house had not yet organized so as to proceed to business, some officer not having been elected; but that as soon as the house was organized to do business, he would present deponent's petitions. The promise of the \$100 was then again renewed. Deponent then had business at St. Louis and Carrollton, Ill., to which places he calculated to go as soon as possible, and Mr. M'Gregor concluded that deponent had better go on—that he would be able to get back before he would be wanted. So deponent starts on the same day, Thursday evening, for the above named places, in the same boat in which he arrived. Deponent got back to Burlington on Tuesday, the 28th ult., went immediately to M'Gregor, and inquired about his petition; whether or not it had been presented by him. M'Gregor said he had not presented it. Deponent then asked why; and M'Gregor stated that a petition had been sent to him during deponent's absence, for a charter for a company, and he said he had not, that he thought he would leave it until deponent's return. Conversation then occurred as to the manner in which deponent should proceed; whether it would be best for him to have his petitions presented by M'Gregor, with a statement by the latter to the house of circumstances, or pursue some other course. M'Gregor said it would look awkward in him to present two petitions, one from the company and one from deponent. Deponent then told M'Gregor he expected the latter would attend to it, with the promise again of \$100 if the charter was secured. There was other conversation respecting the charter for the company, and he proposed that deponent should take an interest in the company; that it would be easier to get a charter for a company than for an individual. Deponent then

asked who composed the company, and M'Gregor answered that his brother calculated to take an interest in it, and that he had written to his brother for the purpose of ascertaining whom he would like to have associated with him. Deponent then inquired how he should get any thing for his boats, ferry houses, and the money he had paid out for his privileges, if the company should get the charter. M'Gregor said he did not know but that deponent might turn them in; that he might take a number of shares. Deponent said if the company cannot agree as to the value of the property, what shall be done then? to which M'Gregor replied that he did not know. Deponent does not recollect particularly what the next conversation was, but M'Gregor said he would tell deponent what he would do: that \$100 was not enough; that if deponent would give him \$300, he would present the petition for the company; that he would let that be lost, and support deponent's application; that if the company's bill was lost, there was no doubt but that deponent could obtain a charter. M'Gregor stated before this that he felt in duty bound to present the petition of the company. There was considerable conversation on that subject, the particulars of which deponent does not recollect. M'Gregor got his pen and ink to write a note for \$300. Deponent then told him he thought it was too much, but M'Gregor said it would be best to give it, for it would be uncertain whether he could get pay for his boats, &c., if the company got a charter, when deponent again told him that he thought it was too much. M'Gregor then laid aside his paper, and said deponent might do as he had a mind to. Deponent then said that he would not say that he should not give that sum, but that he would think of the subject and give an answer on the morning following. Wednesday, the 29th, deponent called on M'Gregor, in the morning, and said that he would give the \$300, provided that M'Gregor would let the bill for the company be lost, and support deponent's. M'Gregor stated that he would, and the deponent gave a note for \$300. Deponent then took all the papers, and after consulting with M'Gregor, it was concluded that he should give them to Major Smith, to be presented to the Council. After M'Gregor had written the note for the \$300,

deponent requested a copy, and a copy was written by said M'Gregor and handed to deponent. Deponent then took his papers and presented them to Major Smith, who presented them to the Council. At the time deponent took the papers, he asked M'Gregor if he had a bill prepared to go with them, who stated that he had one drawn, but that it wanted some altering. Deponent called on him several times, two or three, for the bill, before he presented the papers to Major Smith. Deponent gave the papers, he thinks, to Smith, on Thursday, the 30th ult. The affidavit was made on Saturday, the 2d day of December, and was drawn up by Mr. Starr, on the evening before. Previous to making the affidavit, deponent understood, from Dr. Reynolds and others, that one of the members mentioned to Mr. M'Gregor, that a petition had been presented in the Council for a ferry at the same place for which he had presented one in the House of Representatives; and asked him if they would not clash. Deponent was informed by Dr. Reynolds that he understood Mr. M'Gregor stated that it was from an old rascal, whom nobody thought any thing of, or in words to that effect. Deponent understood from this that M'Gregor was not going to support him, any how. Deponent thinks he had the conversation with Dr. Reynolds, on Friday, in the neighbourhood of the state house. Deponent thinks, before the note was given, he found out that Mr. M'Gregor had presented a petition for the company.

When deponent went down the river, M'Gregor wished deponent to take some notes to collect for him. Deponent consented to take them, and do the best he could. M'Gregor then looked over a bundle of notes, selected out several, took their amounts upon a piece of paper, and deponent signed a receipt for them, as follows;—"Daniel Lamont, \$111 67; J. Samuel's note, \$71 65; Neal Camron, \$256 66; P. Salsbury, \$50 00; T. Langham, \$70 00; S. S. Rayburn, \$38 33; A. C. M. Hulsee, \$66 67; P. Molarson, \$33 33; P. Salsbury, \$33 33.

Received the above notes of A. W. M'Gregor for collection.
Burlington, Nov. 8, 1837.

(Signed,)

JOHN WILSON.

When deponent got to St. Louis, Mr. Smith, of Stephenson Ill. being with him, deponent got said Smith to go with him, he being acquainted with the individuals against whom deponent had the notes. Deponent *thinks* that he saw three of them in company with Smith. One or two of them said the notes had been presented before; and that they would not pay them. Deponent did not collect a cent; and having an opportunity to go up the Illinois river, agreed with Smith that the latter should take the notes, and collect what he could: that Mr. M'Gregor wished them collected. Smith took the notes, promised to collect what he could; and said that, if he left St. Louis before deponent returned, he (Smith) would leave the money collected and notes with M'Gregor at Burlington, and acquaint him with circumstances. Deponent told Mr. Smith that he should be careful of the notes, as he had receipted them to Mr. M'Gregor. When deponent arrived at Burlington from St. Louis, on Tuesday, he called on Mr. M'Gregor in the evening after tea; and at the time of conversation respecting the charter, asked him if Mr. Smith had called on him and left the papers and notes given to deponent to collect. Mr. M'Gregor answered that he had not seen Smith; but that Smith had left with Squire Parker the notes and moneys that he had collected, the last to amount of about \$80. Deponent then asked for the receipt that he had given, and it was delivered to him. Before the receipt was delivered, M'Gregor looked up the bundle of notes, looked them over, and when he came to them, crossed on the receipt with a pen all the notes that were returned. The figuring on the receipt was by M'Gregor.

Cross-examined by M'Gregor. Deponent heard the conversation stated before the election of M'Gregor, he thinks three or four days, thinks at any rate not more than a week. Deponent does not recollect that any person was present during this conversation. Deponent had employed M'Gregor as attorney before and after the election. Nothing was said in regard to public sentiment being against deponent, at the time when the petition was drawn. Deponent thinks the petitions were given to M'Gregor, at his office, before deponent went to St. Louis. Deponent is *certain* that the conversation in regard to the places

of residence of the petitioners, was before he went to St. Louis. At Lockwood's hotel, deponent says that he gave the petitions to M'Gregor, and the latter gave deponent the notes at the same place, and the receipt was also given at the same place. Deponent says that M'Gregor had not time to examine the petitions previously to the departure of deponent for St. Louis. Deponent was with M'Gregor long enough to hand him the petitions, deeds, licenses, which he thinks were in a bundle together.

Wednesday evening, Dec. 6, 1837.

Cross-examination continued by M'Gregor. Deponent says that it was before the affidavit was executed that he was told the remark was made in regard to his being an old scoundrel: he thinks on Friday the 1st instant. Deponent has no recollection of being called back when he was leaving M'Gregor's office for St. Louis. Deponent says he did not collect a cent for M'Gregor: he did not tell him, when about starting, there was a note in the bundle, which was not in the memorandum. Deponent does not recollect what number of notes there was in the bundle. The notes were all in a bundle together with a band around them. Deponent does not recollect whether or not he had a note against a person by the name of Eades. When deponent inquired whether or not his petition had been presented, after his return from St. Louis, it was on Tuesday evening, and deponent does not recollect the place where exactly. Deponent does not recollect the time of the settlement in regard to the notes sent by him for collection below. Deponent thinks there was no person present when the receipt was surrendered, and knows that it was surrendered on Tuesday evening or Wednesday morning. The petitions were given to deponent after the settlement in regard to the notes. On Wednesday morning, the 29th ult., the note for \$300 was executed, and deponent is pretty certain that it was at the state house.

Examination by the committee. Deponent is sure that he received a copy of the note for \$300 at the time the original was drawn. Deponent thinks that Mr. Cox, to whom the remark, that "it was from an old rascal whom nobody thought

any thing of," was made. Deponent does not recollect of having told Dr. Reynolds, any thing in regard to the note given by him to M'Gregor, at the time that Dr. Reynolds mentioned to deponent what M'Gregor had said of him.

Deponent did not mean to state, as in the testimony of last evening, that he found out, before the note was given, that M'Gregor had presented a petition for the company.

Deponent cannot recollect that any one was present when he had any of the conversations with M'Gregor, concerning the obtaining of a charter for ferry.

JOHN WILSON.

Mr. Jonathan W. Parker, being duly sworn, states that he does not recollect the time exactly that M'Gregor became a candidate for the legislature. Deponent thinks that M'Gregor left home shortly after he became a candidate, and returned on the evening of the 4th of July, at about nine o'clock; that he left Davenport on the morning of the 5th of July early, and did not return to Davenport until after the election; the Saturday after deponent thinks. Deponent thinks he has been acquainted with John Wilson since March last; says there was great opposition to Wilson, as ferryman; and that Wilson's general character for veracity in the neighbourhood was not good. Deponent would not believe Wilson on his oath, in matters in which said Wilson was interested. Deponent says, that, at the last time the Missouri Fulton came up the river, J. Bernard Smith handed him, he thinks, eighty-three dollars or thereabouts, and several notes of hand, and desired him to hand them to M'Gregor, as he did not know that he should see him. Smith told deponent that they were notes that had been sent for collection to St. Louis; and that the \$83 was the sum collected on two of the notes. Deponent handed the notes and money to M'Gregor. Deponent did not examine the notes particularly.

Questioned by the committee. Deponent has known M'Gregor since last Christmas; and says that his character for honesty and integrity in the neighbourhood is good and unimpeached.

Cross-examined by Starr. Deponent says that it was supposed among the friends of M'Gregor that he would be a can-

didate more than a week before the election. Deponent thinks it may have been two or three weeks before the election. The election took place the tenth of July. Deponent says there was an opposition ferry from Stephenson to Davenport, licensed about the 20th of March last.

Q. by M'Gregor. Deponent says that Wilson resides at Stephenson, Ill.

By Starr. Deponent states that he called on Wilson at his boarding-house, when the Wisconsin was going up, at about 12 o'clock at night, and told him that there was a boat here, and that he had better take this boat to Stephenson, as it might be the last opportunity; and that if Wilson had any business to attend to, deponent could attend to it for him. Deponent called upon Wilson in consequence of having heard him say, that he should go up to Stephenson in the morning on foot or on horse-back; and had not then heard of any difficulty between him and M'Gregor; that he called upon Wilson out of pure kindness; and when he found that Wilson had no disposition to go, was mortified that he had awakened the family. This was on Friday night of last week. On Monday morning last, early, deponent called on Wilson at his boarding-house, and had some conversation—told him he thought this place would be a state's prison to him. Sunday had a conversation with Wilson in regard to getting the latter to carry a mail to Davenport. Deponent did wish that Wilson would go home, thinking the thing engaged in, with regard to M'Gregor, was absurd. Deponent says that M'Gregor never intimated to him a wish or desire that Wilson should leave Burlington; and that he never called upon said Wilson at M'Gregor's request, for the purpose of getting him to leave, or for any other purpose. Deponent says there was a good deal of opposition and bitterness of feeling between the friends of the two ferries both at Stephenson and Davenport.

Q. by M'Gregor. Deponent states that the opposition to Wilson grew out of the general dislike the people had to Wilson.

Thursday evening, December 7, 1837.

Andrew F. Russell, being duly sworn states, that he has been acquainted with John Wilson since June last, but had seen him frequently before.

Questioned by committee. Deponent says the general character of Wilson in the neighbourhood, for veracity, is not good. Deponent would not believe Wilson on his oath, from his general character, in matters in which said Wilson was materially interested. Deponent has known M'Gregor since some time in June last; and is as well acquainted with his character as with that of any other person in the neighbourhood; and that his character for integrity and uprightness of conduct is good in the neighbourhood, as far as he knows.

Q. by M'Gregor. Deponent says there is a strong feeling of dissatisfaction towards Wilson, as ferryman.

Cross-examined by Grimes, counsel for John Wilson. Deponent had difficulty with Wilson; that difficulty arose in consequence of a bargain between Wilson and deponent in relation to ferrying over deponent's furniture and goods; judgment was rendered against deponent for \$3 40 in Wilson's favour; the sum that was tendered to Wilson by deponent. Deponent is not on speaking terms with Wilson. Deponent offered Wilson the money for the ferriage, but is positive that a legal tender was made.

Mr. Power, being duly sworn, states he resides at Stephenson, Illinois, and that he is acquainted with John Wilson; that he has been acquainted with him eighteen or twenty months; and that said Wilson's general character for veracity, in the neighbourhood, is not good. Deponent says he cannot say that he would believe Wilson on his oath; that, according to circumstances, he would as readily swear to a lie as to the truth. Deponent says he has been acquainted with M'Gregor equally as long as with Wilson; and that he never heard any thing to the contrary, but that M'Gregor's character for honesty and integrity was good.

Cross-examined by Grimes. Deponent and Wilson are not

good friends. Wilson has a license for a ferry from Stephenson to Davenport. Deponent, also, has a license. Wilson has sued deponent several times. No one in company with deponent in the ferry. The suits were generally brought for ferriage. Wilson succeeded once in getting a judgment against deponent on the Wisconsin side; but never got one against him on the Illinois side. Deponent is not a particular enemy of Wilson, but considers Wilson beneath his notice.

Q. by M'Gregor. Deponent never commenced any actions against Wilson, although he has had cause so to do. M'Gregor has generally acted as Wilson's attorney in all suits by said Wilson, against deponent.

Q. by committee. Deponent says that Conway, the clerk of Rock Island co., Illinois, told him, not more than a week ago, that Wilson had not taken out his license; and, therefore, had not right to ferry; and said that if deponent felt disposed to complain of him, (Wilson,) he had an opportunity.

Mr. Starr, being duly sworn, states that previous to the year 1831, when deponent left Vermont, he had known Wilson for as long as he can recollect, that Wilson lived in the adjoining town; that deponent had been in a store where Wilson had traded for two or three years. Deponent never heard that Wilson's character for veracity, in that place, was doubted.

Cross-examined by M'Gregor. Deponent has been acquainted with Wilson for the last twelve months, only he has met him two or three times within the last six months. Deponent's acquaintance with Wilson ceased in 1831.

John Lorton, being duly sworn, states that he has been acquainted with Wilson for four years—that he lived in the same county in Illinois with him—deponent never heard any thing against Wilson's character for veracity in the neighbourhood—always heard that he was an honest man.

Cross-examined by M'Gregor. Deponent has not been acquainted with Wilson since last May a year.

B. W. Clark, being duly sworn, states that he had been acquainted with Wilson for eighteen or twenty months; that he lives about eight miles from deponent; never heard any thing against Wilson's character for veracity, in the neighbourhood,

except since the difficulty between Powers and Wilson, and Russell and Wilson, and since then, deponent (has heard that Wilson) has been spoken unfavourably of, with respect to his veracity, but by his enemies, as he considers.

Cross-examined by M'Gregor. Deponent has made considerable inquiry respecting Wilson's character, since the difficulty between Powers and Wilson.

Mr. Ebenezer Cook, being duly sworn, states that he lives at or near Davenport; that he has known Wilson for four or five months past; and that Wilson's general character for veracity in the neighbourhood is good, as far as deponent knows; that he never heard any thing against Wilson from any person but one; and that was Mr. Russell.

Cross-examined by Mr. M'Gregor. Deponent does not know any thing of Wilson's general character at Stephenson; never heard him spoken of there.

Dr. Barrows, being duly sworn, states that he lives at Rockingham; that he was acquainted, from his earliest recollection, with Wilson, until the year 1826; and that he never heard Wilson's character for veracity questioned in the neighbourhood where he lives, nor until deponent came down here.

Friday evening, December 8th, 1837.

John Wilson, again: The note was given on the 29th ult., before dinner. Deponent was talking to Mr. Clark about it, and told him what M'Gregor had proposed. This was very early in the morning, deponent thinks. Deponent told Clark that M'Gregor said deponent must give him \$300; M'Gregor said if deponent would give him \$300, he (M'Gregor) would assist deponent in getting a charter, and let the other be lost.—Clark told deponent to give the \$300.

B. W. Clarke, again: Deponent was present when Wilson returned from St. Louis and got out of the boat. The next morning after Wilson arrived, he told deponent, in a conversation had at that time, that M'Gregor had promised to get him a charter for a ferry, for \$300; M'Gregor stating, at the same time, that he had a petition for a company, but that, for the sum of \$300, he would let that be lost in the house, and would

support Wilson, and get him his. Deponent asked Wilson if M'Gregor wanted the \$300, whether he succeeded in getting the charter or not. Wilson answered that M'Gregor did. Deponent told Wilson that he thought it was a great price, but at the same time, as his all was at stake, the probability was that he had better give it. Wilson said that he would not mind giving the \$300, provided he would get the charter, but he was a little afraid that M'Gregor might turn against him, in favour of his (M'Gregor's) brother. Deponent then told Wilson, if that was the case, may be he had better apply to other counsel, and get their opinion on it. Wilson said he did not know who to go to, as he was a stranger. Deponent referred him to Mr. Foley and Dr. Reynolds. Deponent went with Wilson to Dr. Reynolds, and fell in company with Mr. Foley. The circumstance was stated in the presence of these gentlemen, and their opinion asked on it. They did not seem willing, at that time, to give an opinion on it, but they finally told Mr. Wilson, that if M'Gregor would take his note, to give it. During the course of the forenoon, deponent saw Wilson, and told him if M'Gregor did take the note, he should take a copy of it. About the time the house adjourned, Wilson told deponent that he had come to the conclusion to give M'Gregor the note. Shortly after the adjournment, nearly all of the members being out of the house, deponent saw Wilson and M'Gregor in the house; deponent thinks at M'Gregor's desk. After conversing a little while together, (deponent not hearing what was said,) M'Gregor drew an instrument of writing, as deponent supposed from his motions. After M'Gregor wrote a little, as deponent supposed, he pushed the paper over towards Mr. Wilson, who wrote something, as deponent supposed. Wilson was about long enough to write his name. Deponent then went out, and in a little while after that Wilson came out. Wilson then told deponent that he had executed the note for \$300, to M'Gregor, and produced an instrument of writing which he said was a copy of it.

Cross-examined by M'Gregor: There were two or three persons in the house at the time; does not recollect who they were. Deponent was there between a quarter and half an

hour. This was the next day after Wilson arrived here from St. Louis.

Deponent has taken Squire M'Gregor for one of his best friends, and has always entertained the best opinion of him. Deponent thought hard of M'Gregor because he did not comply with the promise which he thought he once gave him, in relation to inserting the name of Winfield, as a candidate for the county seat of Scott county.

Saturday evening, December 9, 1837.

Dr. Reynolds being duly sworn, stated that he had conversation with Wilson in regard to the note, which was given by Wilson to M'Gregor, for services to be performed by the latter. Does not recollect the time particularly, but soon after Mr. Wilson came to this place from St. Louis. Deponent happened to meet with Mr. Wilson, Mr. Foley, and he thinks Captain Clark, in the street, near the state house. Wilson was making a statement that he had at some time engaged M'Gregor to procure him a charter for a ferry, if possible, across the Mississippi. If deponent understood the matter with them, Wilson had agreed to pay M'Gregor \$100 for his services; Wilson, at some time, having given to M'Gregor his papers, petitions, &c. If deponent understood the conversation, Wilson had gone to St. Louis, or some place, leaving these papers with M'Gregor.—His statement was, as near as deponent recollects, when he returned he found his papers had not been presented by M'Gregor, as he expected. Upon making inquiry of M'Gregor, as deponent understood, he informed Wilson that he had received other petitions and did not think it advisable to introduce his. Mr. M'Gregor should have stated to Wilson, (as deponent understood,) if he would get some other person to introduce his petition, for \$300 he would let his petition be lost, and support Wilson's. Wilson stated, that he told M'Gregor that he thought it was too much, but he would think of it till morning following, and let him know. Wilson, at another conversation, stated to deponent that he had given a note for that amount.

Cross-examined by M'Gregor: The conversation took place

on the 28th or 29th, either Wednesday or Thursday; deponent is not certain as to the time. Deponent takes it for granted that it was after a bill had been presented by M'Gregor to charter a steam ferry company at Davenport.

Question by Committee: Deponent informed Mr. Wilson of some conversation had between him and Mr. Cox; that Mr. Cox took the journal of the house, and turning to M'Gregor, pointed out the petitions introduced in the Council, when M'Gregor stated to Cox "that it was from a person of unfavourable character." This was after the time of the two previous conversations with Wilson.

Mr. Cook again: Deponent lives about half a mile from M'Gregor; and is acquainted with him. States that the general character of M'Gregor for honesty is not favourable in the neighbourhood.

Q. by M'Gregor: Deponent cannot say that he has any prejudice against M'Gregor; had some difficulty with M'Gregor a few days before the latter left home. M'Gregor has been employed as attorney against deponent. There had been no difficulty but one between deponent and M'Gregor. There has been difficulty between M'Gregor and deponent's father, but deponent heard that it had been made up.

December 8, 1837.

Mr. Samuel Smith, being duly sworn, states that he lives at Stephenson, Rock Island county, Ill. That he knows John Wilson. The first acquaintance he formed with Wilson was eight or ten years ago, in Green county, Ill. Deponent believes that the general character of Wilson, for veracity, in Green county, when he knew him, was good. His character for veracity, in Stephenson, is also good as far as deponent has had an opportunity of knowing.

Tuesday, Decemer 26th, 1837.

Antoine Leclare, having been duly sworn, states that he has been acquainted with M'Gregor since the fall of 1834, and that he now resides in the same neighbourhood with M'Gregor; that said M'Gregor's general character, as far as he knows, is one

of the first in the neighbourhood. Deponent has some acquaintance with John Wilson, of Stephenson, and says that he knows nothing against his character, for veracity, in the neighbourhood in which he resides. Deponent would believe Wilson on his oath, from what he knows of his general character.

Q. by Mr. Grimes, counsel for Wilson: Deponent has always thought Mr. Wilson to be a man of truth and veracity; he always took him to be so. There has been an excitement at Stephenson, as far as deponent could learn, against Wilson, as ferryman. Deponent was at Davenport, between the time of the election and the commencement of the session of the legislature, and heard nothing of a ferry charter for a company. After deponent came back, he heard of an application by the people of Dubuque for a public ferry privilege.

Deposition of J. Barnard Smith, of the county of Rock Island, Illinois, taken on the 16th day of December, 1837, at the office of Miles W. Conway, justice of the peace, in Stephenson, Illinois.

The said J. Barnard Smith, deposeth and saith as in the answers to the following interrogatories, viz:—

Q. 1. How far do you live from John Wilson?

A. About half of a mile.

Q. 2. How long have you been acquainted with said John Wilson?

A. About thirteen months.

Q. 3. What is his character in the neighbourhood where he resides, for veracity?

A. It is good.

Q. 4. Would you believe him on his oath?

A. I would.

Q. 5. Did you or did you not receive certain notes of hand from said John Wilson, in St. Louis? If so, how many, against whom, what was the amount of each as nearly as you can recollect, and at what time did you receive them?

A. I received from said John Wilson, in St. Louis, in November last, a note against Jamison Samuel, one against S. Raybourn, one against Langham, one against N. Cameron, one against D. Lamont, two against P. Salsberry, and two others

against persons I do not recollect. They were all small notes except two, to wit—one against Cameron, which was a note of between two and three hundred dollars, and one other between one hundred and one hundred and ten or fifteen dollars. The last one was against one of the before mentioned men, but I do not now recollect which.

Q. 6. Did you collect any money on said notes? If so, how much, and of whom?

A. I collected the two notes of Salsberry, one of \$50 and the other of \$33 33, making in all \$83 33—that was all I collected.

Q. 7. To whom did said John Wilson direct you to return said notes, or pay over the proceeds thereof?

A. To A. W. M'Gregor, Esq. at Burlington.

Q. 8. Do you know of said Wilson receiving in St. Louis, or elsewhere, any money on said notes?

A. I do not know of his receiving any, with the exception of Salsberry—all on whom I knew him to call refused to pay. The said Salsberry made his payment to me, and not to the said Wilson.

Q. 9. What disposition did you make of the notes, and their proceeds?

A. Not being able to find said M'Gregor on my return to Burlington, I paid over \$83 to J. W. Parker, Esq. and returned the uncollected notes to him, with the request that he would hand the whole to said M'Gregor—the 33 cents in change I was unable to make.

Q. 10. Where, and at what time, did you dispose of them in this manner?

A. At Burlington, on my passage up from St. Louis in a steamboat to this place. It was near the close of last November, and was the last trip of the steamboat M. Fulton from St. Louis to Galena this season.

Q. 11. Are you at present an acting justice of the peace for said county of Rock Island?

A. I am not.

J. BERNARD SMITH.

State of Illinois, Rock Island county, ss.—I, Miles W. Conway, justice of the peace, do hereby certify that J. Bernard

Smith was by me sworn according to law, as a witness in the above named cause, and that the foregoing deposition by him subscribed was reduced to writing by me, and taken at the time and place specified in the aforesaid deposition. Given under my hand and seal, this 16th day of December, A. D. 1837.

MILES W. CONWAY, (seal)

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